UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/1
23 February 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000

PROVISIONAL AGENDA

1. Opening of the session

2. Election of officers

3. Adoption of the agenda and rules of procedure

4. Organization of work

5. Provisional agenda, draft rules of procedure, dates, duration, venue of and participation at the World Conference

6. Preparatory meetings and activities at the international, regional and national levels

7. Reports, studies and other documentation for the Preparatory Committee and the World Conference

8. Organization of the work of the second session of the Preparatory Committee

9. Adoption of the report of the Preparatory Committee to the General Assembly

---

GE.00-11235 (E)

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/1/Add.1
6 April 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

CONTENTS

Item		Paragraphs	Page
1.	Opening of the session	1	3
2.	Election of officers	2	3
3.	Adoption of the agenda and rules of procedure	3 - 4	3
4.	Organization of work	5 - 6	3
5.	Provisional agenda, draft rules of procedure, dates, duration, venue of and participation at the World Conference	7	4

CONTENTS (continued)

Item		Paragraphs	Page
6.	Preparatory meetings and activities at the international, regional and national level	8 - 11	4
7.	Reports, studies and other documentation for the Preparatory Committee and the World Conference	12 - 25	5
8.	Organization of the work of the second session of the Preparatory Committee	26	8
9.	Adoption of the report of the Preparatory Committee to the General Assembly	27	8

Item 1. Opening of the session

1. The first session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be held at the United Nations Office at Geneva from 1 to 5 May 2000. The session will be opened by the United Nations High Commissioner for Human Rights, in her capacity as Secretary-General of the World Conference, who will preside over the meeting until the election of the Chairperson.

Item 2. Election of officers

2. The Commission on Human Rights decided, in paragraph 47 (a) of its resolution 1999/78, that the bureau of "the Preparatory Committee scheduled in 2000 and 2001 will be headed by the same bureau composed of 10 members, i.e. two representatives per regional group, in order to ensure continuity and the adequate representation of all Member States of the United Nations".

Item 3. Adoption of the agenda and rules of procedure

3. The General Assembly, in paragraph 29 (d) of its resolution 52/111, decided that "the Commission on Human Rights will act as the preparatory committee for the World Conference and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of the specialized agencies and observers, in accordance with established practice". The Preparatory Committee may wish to use as the rules of procedure for the Preparatory Committee, to the extent possible, the rules of procedure of the functional commissions of the Economic and Social Council, taking into account decisions of the Commission on Human Rights on organizational matters, notably the decision referred to in paragraph 2 above.

4. Rule 7 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "[the Preparatory Committee] shall at the beginning of each session, after the election of its officers ... adopt the agenda for that session on the basis of the provisional agenda". The provisional agenda (A/CONF.189/PC.1/1) has been drawn up by the High Commissioner for Human Rights, in her capacity as Secretary-General of the Conference, in conformity with paragraph 32 (d) of General Assembly resolution 54/154 which requests the High Commissioner to "draw up a draft agenda for the first session of the Preparatory Committee, taking into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance".

Item 4. Organization of work

5. The attention of the Preparatory Committee is drawn to General Assembly resolutions 52/111, 53/132 and 54/154 and Commission on Human Rights resolutions 1998/26 and 1999/78 concerning preparations for the World Conference.

6. In view of the limited time available to the Preparatory Committee at its first session, the Committee may wish to adopt decisions concerning the organization of its work, including on the frequency and duration of statements, the opening and closure of the list of speakers, and the

submission of draft decisions. Furthermore, the attention of the Preparatory Committee is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50).

Item 5. Provisional agenda, draft rules of procedure, dates, duration, venue of and participation at the World Conference

7. The Preparatory Committee will have before it a note by the Secretary-General addressing these issues (A/CONF.189/PC.1/2). The attention of the Preparatory Committee is also drawn to the report of the sessional open-ended working group to review and formulate proposals for the World Conference (E/CN.4/1999/16) which met during the fifty-fifth session of the Commission on Human Rights.

Item 6. Preparatory meetings and activities at the international, regional and national levels

8. The Commission on Human Rights, in its resolution 1999/78, requested the United Nations High Commissioner for Human Rights to organize an international seminar of experts on the remedies available to victims of acts of racism, racial discrimination, xenophobia and related intolerance and on good national practices in this field. The Preparatory Committee will have before it the report of an expert seminar on this subject, held in Geneva from 16 to 18 February 2000 (A/CONF.189/PC.1/8).

9. In resolution 1999/78, the Commission also requested the High Commissioner to encourage other activities, particularly seminars, which could form part of the preparations for the World Conference. In resolution 1998/26, the Commission recommended that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused towards the preparatory process for the World Conference. In this regard, an expert seminar on racism, refugees and multi-ethnic States was held in Geneva from 6 to 8 December 1999 in the context of the Programme of Action, as requested by the General Assembly in resolution 49/146. The Preparatory Committee will have before it the report of this seminar (A/CONF.189/PC.1/9).

10. In its resolution 54/154, the Assembly requested the High Commissioner to undertake initiatives to prepare for the World Conference. In the same resolution, the Assembly requested non-governmental organizations to undertake reviews and submit recommendations to the Preparatory Committee. The Committee will have before it the report of a satellite meeting, referred to as the Bellagio Consultation, held in Bellagio, Italy from 24 to 28 January 2000, in which the Office of the High Commissioner for Human Rights participated (A/CONF.189/PC.1/10).

11. The Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 1999/23, requested that the report of the Montreal international seminar on inter-cultural and multi-cultural education be made available to the Preparatory Committee. The Preparatory Committee will therefore have before it the report of this seminar (E/CN.4/Sub.2/AC.5/2000/WP.4).

Item 7. Reports, studies and other documentation for the Preparatory Committee and the World Conference

Review of progress made in the fight against racism and obstacles to further progress

12. In resolution 1999/78, the Commission requested the High Commissioner to prepare a questionnaire to elicit information on progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and on obstacles to further progress in the field and ways to overcome them, from States, specialized agencies, international governmental and non-governmental organizations and national institutions. In the same resolution, the Commission also requested the High Commissioner to review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise obstacles to further progress in the field and ways to overcome them with a view to submitting her conclusions to the Preparatory Committee. In response to these two related requests, the Preparatory Committee will have before it a report of the High Commissioner (A/CONF.189/PC.1/3).

Improving coordination between the Office of the High Commissioner for Human Rights and all specialized agencies and international, regional and subregional organizations

13. In resolution 1999/78, the Commission requested the High Commissioner to undertake a study, to be submitted to the Preparatory Committee at its first session on ways of improving coordination between the Office of the High Commissioner for Human Rights and all specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenophobia and related intolerance. The Preparatory Committee will have before it a note by the secretariat on this subject (A/CONF.189/PC.1/4).

14. In its resolution 54/154, the General Assembly requested, inter alia, specialized agencies, other international organizations, concerned United Nations bodies and regional organizations to undertake reviews and submit recommendations to the Preparatory Committee through the Secretary-General. The Preparatory Committee will have before it a note by the Secretary-General transmitting contributions by these organizations (A/CONF.189/PC.1/17).

Research and consultations on the use of the Internet

15. In its resolution 1999/78, the Commission requested the High Commissioner to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism. The Office of the High Commissioner for Human Rights undertook a process of consultations in accordance with this request. The Preparatory Committee will have before it the report of the High Commissioner on those consultations (A/CONF.189/PC.1/5). The attention of the Preparatory

Committee is drawn to the report of the Secretary-General submitted, pursuant to Commission resolution 1999/78, to the Commission at its fifty-sixth session which gives additional information on research and activities undertaken to date regarding the Internet (E/CN.4/2000/15).

The effects of racial discrimination on children of minorities and migrants

16. In its resolutions 52/111 and 53/132, the General Assembly requested the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment. The Commission, in its resolution 1998/26, recommended that the activities of the Programme of Action for the Third Decade be focussed towards the preparatory process for the World Conference and the Programme of Action includes a request that action be taken on the subject of racial equality and its effects on the children of migrant workers. In response to these requests, the Preparatory Committee will have before it a report of the Secretary-General on the effects of racial discrimination on the children of minorities and those of migrant workers (A/CONF.189/PC.1/11).

Reports by special rapporteurs of the Commission on Human Rights

17. In resolution 1999/78, the Commission requested the High Commissioner to help the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Glèlè-Ahanhanzo (Benin), to carry out a study on preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts and to formulate recommendations for consideration by the Preparatory Committee at its first session. The Preparatory Committee will have before it a note by the Secretary-General transmitting the preliminary study by the Special Rapporteur (A/CONF.189/PC.1/6).

18. Also in resolution 1999/78, the Commission requested the Special Rapporteur on religious intolerance, Mr. Abdelfattah Amor (Tunisia), to prepare studies on action to combat incitement to hatred and religious intolerance. The Preparatory Committee will have before it a note by the Secretary-General transmitting the study by the Special Rapporteur (A/CONF.189/PC.1/7).

19. The General Assembly, in its resolution 54/154, requested, inter alia, the Special Rapporteur on the human rights of migrants, Ms. Gabriela Rodríguez Pizarro (Costa Rica), to undertake reviews and submit recommendations concerning the World Conference and its preparations to the Preparatory Committee, through the Secretary-General. The Preparatory Committee will have before it a note by the Secretary-General transmitting the contribution of the Special Rapporteur (A/CONF.189/PC.1/19).

Contributions of human rights treaty bodies

20. In resolution 54/154, the General Assembly requested, inter alia, the Committee on the Elimination of Racial Discrimination to undertake reviews and submit recommendations concerning the World Conference and the preparations therefor to the Preparatory Committee

though the Secretary-General. The Preparatory Committee will have before it a note by the Secretary-General transmitting the contribution of the Committee (A/CONF.189/PC.1/12).

21. At its fifty-fourth session, the Commission on Human Rights in its resolution 1998/26 invited the Committee on the Elimination of Racial Discrimination to present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the World Conference, including undertaking a series of studies. The attention of the Preparatory Committee is drawn to eight studies which have been prepared by members of the Committee pursuant to this request: "The causes of, and remedies for, racial discrimination", by Michael Banton (E/CN.4/1999/WG.1/BP.6) (English only); "United Nations strategies to combat racism and racial discrimination: past experiences and present perspectives", by Theodor van Boven (E/CN.4/1999/WG.1/BP.7) (English only); "Zimbabwe and South Africa: the lessons we can learn", by Shanti Sadiq Ali (E/CN.4/1999/WG.1/BP.8) (English only); "Preventing Genocide", by Agha Shahi, Luis Valencia Rodríguez and Ivan Garvalov (E/CN.4/1999/WG.1/BP.9) (English only); "The definitions of racial discrimination", by Ion Diaconu (E/CN.4/1999/WG.1/BP.10) (English only); "De l'utilité de l'application complémentaire des procédures de plaintes individuelles devant les organes universels et régionaux de protection des droits de l'homme", by Régis de Gouttes (E/CN.4/1999/WG.1/BP.11) (French only); "An analysis of the gender dimensions of racial discrimination" by Gay McDougall (CERD/C/56/Misc.19) (English only); and "Reservations to the International Convention on the Elimination of All Forms of Racial Discrimination: the role of CERD", by Ion Diaconu and Yuri Rechetov (CERD/C/53/Misc.23) (English only). These eight studies will be available to the Preparatory Committee as background documents.

22. Also in resolution 54/154 the Assembly requested , inter alia, other human rights mechanisms to undertake reviews and submit recommendations concerning the World Conference and the preparations therefor to the Preparatory Committee through the Secretary-General. The Preparatory Committee will have before it a note by the Secretary-General transmitting a contribution by the Committee on Economic, Social and Cultural Rights (A/CONF.189/PC.1/14) and a note by the Secretary-General transmitting a contribution by the Committee on the Rights of the Child (A/CONF.189/PC.1/15).

Contribution of the Sub-Commission on the Promotion and Protection of Human Rights

23. In resolution 1999/78, the Commission requested the Sub-Commission to undertake a study on ways of making United Nations activities and mechanisms in the context of programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance more effective. The Preparatory Committee will have before it a note by the Secretary-General transmitting the contribution of the Sub-Commission (A/CONF.189/PC.1/13).

24. The Preparatory Committee will also have before it a working paper submitted by Paulo Sérgio Pinheiro, member of the Sub-Commission, containing proposals for the work of the World Conference, in accordance with Sub-Commission resolutions 1998/6 and 1999/6 (A/CONF.189/PC.1/13/Add.1). The attention of the Preparatory Committee is also drawn to studies already prepared by members of the Sub-Commission in the context of preparations for the World Conference. These studies include a working paper by Marc Bossuyt on the concept and practice of affirmative action (E/CN.4/Sub.2/1998/5), a working paper by David Weissbrodt

on the rights of non-citizens (E/CN.4/Sub.2/1999/7) and a working paper by J. Oloka-Onyango on globalization in the context of increased incidents of racism, racial discrimination and xenophobia (E/CN.4/Sub.2/1999/8). These studies will be made available to the Preparatory Committee as background documents.

Contributions by non-governmental organizations

25. In resolution 54/154 the Assembly, inter alia, requested non-governmental organizations to undertake reviews and submit recommendations concerning the World Conference and the preparations therefor to the Preparatory Committee, through the Secretary-General. The Preparatory Committee will have before it a note by the secretariat indicating written statements received from non-governmental organizations (A/CONF.189/PC.1/18).

Item 8. Organization of the work of the second session of the Preparatory Committee

26. The Preparatory Committee will have before it, prior to the conclusion of its first session, a note for its consideration containing a draft provisional agenda for its second session.

Item 9. Adoption of the report of the Preparatory Committee to the General Assembly

27. At the conclusion of its session, it is expected that the Preparatory Committee will adopt a report for submission to the General Assembly.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/2
13 April 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 5 of the provisional agenda

PROVISIONAL AGENDA, DRAFT RULES OF PROCEDURE, DATES, DURATION, VENUE OF AND PARTICIPATION AT THE WORLD CONFERENCE

Note by the Secretary-General

CONTENTS

		Paragraphs	Page
I.	ELEMENTS FOR THE PROVISIONAL AGENDA OF THE WORLD CONFERENCE	1 - 8	2
II.	DRAFT RULES OF PROCEDURE FOR THE WORLD CONFERENCE	9	7
III.	DATES, DURATION AND VENUE OF THE WORLD CONFERENCE	10	7
IV.	PARTICIPATION IN THE WORLD CONFERENCE	11	7

GE.00-12833 (E)

I. ELEMENTS FOR THE PROVISIONAL AGENDA OF THE WORLD CONFERENCE

1. The provisional agenda will have two aspects: one procedural and one substantive. With respect to the procedural aspects of the provisional agenda, the secretariat has identified the following framework, in accordance with previous practice at world conferences:

(a) Opening of the Conference;

(b) Election of the President;

(c) Opening addresses;

(d) Adoption of the rules of procedure;

(e) Election of the other officers of the Conference;

(f) Credentials of representatives to the Conference;

(i) Appointment of the Credentials Committee;

(ii) Report of the Credentials Committee;

(g) Adoption of the agenda;

(h) Organization of work;

(i) [substantive items.....];

(j) Adoption of the final document and the report of the Conference.

2. The elements for substantive items for the provisional agenda of the World Conference were identified by the secretariat on the basis of a number of sources, in particular General Assembly resolution 52/111. In addition, recommendations have been put forward by the Committee on the Elimination of Racial Discrimination (A/CONF.189/PC.1/12), by the Sub-Commission on the Promotion and Protection of Human Rights (A/CONF.189/PC.1/13), and by participants in the consultation which took place in Bellagio, Italy from 24 to 28 January 2000 (A/CONF.189/PC.1/10).

3. Ideas and suggestions are also contained in the sessional open-ended working group report of the Commission on Human Rights to review and formulate proposals for the World Conference (E/CN.4/1999/16), in the recommendations of expert seminars held in preparation for the World Conference, and in documents submitted by other human rights bodies and mechanisms, by concerned bodies of the United Nations, specialized agencies, and international and regional organizations and by non-governmental organizations (see, generally, the annotations to the provisional agenda of the first session of the Preparatory Committee (A/CONF.189/PC.1/1/Add.1)). However, the focus in those documents tends to be on activities

and programmes that could be undertaken to combat racial discrimination rather than on specific proposals for a provisional agenda. The documents referred to below specifically address the issue of the provisional agenda.

4. With respect to the substantive items to be considered by the World Conference, the starting point is General Assembly resolution 52/111, paragraph 28, in which the Assembly decided that the seven main objectives of the World Conference would be:

> "(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;
>
> (b) To consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;
>
> (c) To increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;
>
> (d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;
>
> (e) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;
>
> (f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;
>
> (g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance."

5. In paragraph 29 of the same resolution, the General Assembly also decided:

> "(b) That, when the agenda of the World Conference is decided upon, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance will be taken into consideration;
>
> (c) That the World Conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments."

6. The Committee on the Elimination of Racial Discrimination has also made specific suggestions regarding the provisional agenda. In its decision 9 (53), it suggested the following topics:

(a) Current realities in the aftermath of slavery and colonialism;

(b) Impact of economic globalization and racial equality;

(c) Treatment of migrants, refugees, asylum-seekers and displaced persons;

(d) Prevention of racial discrimination, including early warning and urgent procedures;

(e) Prevention of racial discrimination through education;

(f) Remedies, redress mechanisms and reparations for racial discrimination;

(g) International mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development;

(h) Combating hate speech and promoting tolerance in the digital age;

(i) The implications of multiple identities (race, colour, descent, national or ethnic origin, gender).

7. The Sub-Commission on the Promotion and Protection of Human Rights in its resolution 1999/6 suggested that the World Conference should focus on the following topics:

(a) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in the Americas;

(b) The impact of economic globalization on racial equality, including globalization in the context of the increase in incidents of racism, and the economic basis of racism;

(c) The treatment of migrants, refugees, asylum-seekers, other non-citizens and displaced persons, as well as the related phenomenon of xenophobia;

(d) The prevention of racial discrimination, including early warning and urgent procedures, as well as the accountability of non-State actors;

(e) The prevention of racial discrimination through education and labour regulation;

(f) Remedies, redress mechanisms and reparations for racial discrimination, including affirmative action, and compensation for victims and descendants of victims of racism;

(g) International mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development, as well as reservations to the Convention;

(h) Combating hate speech and promoting tolerance in the digital age;

(i) The implications of multiple identifies (race, colour, descent, minority, national or ethnic origin, gender);

(j) Means to be applied to protect the rights of indigenous peoples.

8. In the report on the consultation held in Bellagio, Italy, from 24 to 28 January 2000, four core themes were proposed for the World Conference, with a number of sub-themes under each:

Theme 1: Forms and manifestations of racism, racial discrimination, xenophobia and intolerance

(a) Sources, causes and contributing factors of racism;

(i) The legacy and contemporary forms of colonialism and slavery;

(ii) Economic globalization, disparate patterns of development and discriminatory socio-economic policies;

(iii) Multiple bases of identity that compound discrimination, such as gender and class;

(b) Entrenched institutional, structural and systemic racism, including persistent disparities in socio-economic development and in political representation and participation;

(c) Xenophobia and discriminatory national immigration policies;

(d) Discrimination based on skin colour;

(e) Ethnic conflicts;

(f) Caste systems;

(g) Religious intolerance;

(h) Hate speech and hate crimes;

(i) Racism in law enforcement and criminal justice systems;

Theme 2: Victims of racism, racial discrimination, xenophobia and related intolerance

(a) Indigenous peoples;

(b) Ethnic, national, religious and linguistic minorities;

(c) "Excluded majorities" (such as Afro-Brazilians or Black South Africans under apartheid);

(d) Migrants, refugees, asylum-seekers and displaced persons;

(e) Groups subject to discrimination on the basis of descent (such as the Dalits and the Burakumin);

(f) People of colour in the Americas;

Theme 3: Remedies, recourse, redress and compensatory measures

(a) Legislative, regulatory and administrative responses;

(b) Judicial responses;

(c) Political responses;

(d) Socio-economic responses;

(e) Law enforcement and criminal justice system reform;

(f) Special measures and affirmative action;

(g) Reparations;

Theme 4: Strategies to achieve full and effective equality and accountability

(a) Achieving full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) Creating effective early warning mechanisms;

(c) Establishing the accountability of non-State actors, including the corporate and financial sectors;

(d) Assessing the costs of exclusion and the benefits of diversity;

(e) Guaranteeing full, effective and equal political participation and self-determination;

(f) Promoting economic, social and cultural rights;

(g) Addressing social behaviour, attitudes, cultural stereotypes and interpersonal discrimination;

(h) Strengthening the role of Governments in promoting diversity, multiculturalism and tolerance;

(i) Building the capacity of national institutions, non-governmental organizations and civil society to combat racism;

(j) Bridging the "digital divide" by promoting broad-based access to information technology;

(k) Using education, information technology, communications and media to prevent racism and intolerance;

(l) Monitoring and measuring progress.

II. DRAFT RULES OF PROCEDURE FOR THE WORLD CONFERENCE

9. Draft rules of procedure for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance are annexed to the present document.

III. DATES, DURATION AND VENUE OF THE WORLD CONFERENCE

10. In paragraph 31 of its resolution 54/154, the General Assembly welcomed the offer by the Government of South Africa to host the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001. During consultations between the secretariat and representatives of the Government of South Africa, it has been mentioned that the World Conference could be convened for eight consecutive days, possibly from 31 August to 7 September 2001 inclusive. The venue will be decided after further consultations with representatives of the Government of South Africa and an assessment mission to South Africa by the secretariat to consider possible conference sites.

IV. PARTICIPATION IN THE WORLD CONFERENCE

11. In paragraph 30 of its resolution 54/154, the General Assembly decided that the World Conference and the sessions of the Preparatory Committee should be open to participation by:

(a) All States Members of the United Nations and specialized agencies;

(b) All regional organizations and commissions involved in the preparation of regional meetings, as well as associate members of the United Nations regional commissions;

(c) Representatives of organizations which have received from the General Assembly a standing invitation to participate as observers;

(d) The specialized agencies, secretariats of regional commissions and all United Nations bodies and programmes;

(e) Representatives of all United Nations mechanisms in the field of human rights;

(f) Other interested governmental organizations, which shall be represented by observers;

(g) Interested non-governmental organisations to be represented by observers in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996.

ANNEX

Provisional rules of procedure of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

CONTENTS

Page

I. REPRESENTATION AND CREDENTIALS 10

II. OFFICERS 11

III. GENERAL COMMITTEE 11

IV. SECRETARIAT OF THE CONFERENCE 12

V. OPENING OF THE CONFERENCE 13

VI. CONCLUSIONS OF THE CONFERENCE 14

VII. CONDUCT OF BUSINESS 14

VIII. DECISION-MAKING 17

IX. SUBSIDIARY BODIES 20

X. LANGUAGES AND RECORDS 22

XI. PUBLIC AND PRIVATE MEETINGS 23

XII. OTHER PARTICIPANTS AND OBSERVERS 23

XIII. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE 25

I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference and of the European Union shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Alternates and advisers

Rule 2

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs or, in the case of the European Union, by the President of the European Commission.

Credentials Committee

Rule 4

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its fifty-fifth session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Elections

Rule 6

The Conference shall elect from among the representatives of participating States the following officers: a President, 27 Vice-Presidents and an ex-officio Vice-President from the host country, a Rapporteur-General, and the Chairpersons of the Main Committees established in accordance with rule 47. These officials shall be elected on the basis of ensuring the representative character of the General Committee composed in accordance with rule 10. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

Acting President

Rule 7

1. If the President finds it necessary to be absent from a meeting or any part thereof, he/she shall designate a Vice-President to take his/her place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 8

If the President is unable to perform his/her functions, a new President shall be elected.

Voting rights of the President

Rule 9

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his/her delegation to vote in his/her place.

III. GENERAL COMMITTEE

Composition

Rule 10

The President, the Vice-Presidents, the Rapporteur-General of the Conference and the Chairpersons of the Main Committees shall constitute the General Committee. The President of

the Conference, or in his/her absence, one of the Vice-Presidents designated by him/her, shall serve as Chairperson of the General Committee. The Chairperson of the Credentials Committee may participate, without the right to vote, in the General Committee.

Substitute members

Rule 11

If the President or a Vice-President of the Conference is to be absent during a meeting of the General Committee, he/she may designate a member of his/her delegation to sit and vote in the Committee. In the case of absence, the Chairperson of a Main Committee shall designate a Vice-Chairperson of that Committee as his/her substitute. When serving on the General Committee, a Vice-Chairperson of a Main Committee shall not have the right to vote if he/she is of the same delegation as another member of the General Committee.

Functions

Rule 12

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. SECRETARIAT OF THE CONFERENCE

Duties of the Secretary-General

Rule 13

1. The Secretary-General of the United Nations, or in his absence, the Secretary-General of the Conference shall act in that capacity in all meetings of the Conference and its subsidiary bodies. The Secretary-General of the United Nations or the Secretary-General of the Conference may designate a member of the secretariat to act in his/her place at those meetings.

2. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the secretariat

Rule 14

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Make and arrange for the keeping of sound recordings of meetings;

(c) Receive, translate and circulate the documents of the Conference;

(d) Report the proceedings of the Conference in appropriate journals;

(e) Publish and circulate the report and any official records of the Conference;

(f) Arrange for the custody of the documents and records of the Conference in the archives of the United Nations;

(g) Generally perform all other work that the Conference may require in connection with its proceedings.

Statements by the secretariat

Rule 15

The Secretary-General of the United Nations, the Secretary-General of the Conference or any member of the secretariat designated by either for that purpose may, subject to rule 22, make statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Temporary President

Rule 16

At the opening of the first meeting of the Conference, the Secretary-General of the United Nations, or in his absence, the Secretary-General of the Conference shall preside until the Conference has elected its President.

Decisions concerning organization

Rule 17

The Conference shall, to the extent possible, at its first meeting:

(a) Adopt its rules of procedure;

(b) Elect its officers and constitute its subsidiary bodies;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Decide on the organization of its work.

VI. CONCLUSIONS OF THE CONFERENCE

Report

Rule 18

The Conference shall adopt a report, the draft of which shall be prepared by the Rapporteur-General.

VII. CONDUCT OF BUSINESS

Quorum

Rule 19

The President may declare a meeting open and permit the debate to proceed when at least one third of the representatives of States participating in the Conference are present. The presence of representatives of a majority of such States shall be required for any decision to be taken.

General powers of the President

Rule 20

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall preside at the plenary meetings of the Conference; he/she shall declare the opening and closing of each meeting, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order. The President, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closing of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each participant in the Conference may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his/her functions, remains under the authority of the Conference.

Points of order

Rule 21

During the discussion of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 22

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 21, 23 and 25 to 28, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Conference and the President may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to speakers and the number of times participants may speak on a question. Permission to speak on a motion to set such limits shall be accorded to only two representatives in favour of and two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the President shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him/her to order without delay.

Precedence

Rule 23

The Chairperson or Rapporteur of a Main Committee or a representative designated by any other subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Closing of the list of speakers

Rule 24

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers, the President shall, with the consent of the Conference, declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 27.

Right of reply

Rule 25

Notwithstanding rule 24, the President shall accord the right of reply to a representative of any State participating in the Conference or of the European Community who requests it. Any other representative may be granted the opportunity to make a reply. Representatives should attempt, in making such statements, to be as brief as possible and preferably to deliver their

statements at the end of the meeting at which the request is made. The representatives of a State or of the European Community may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 26

A representative of any State participating in the Conference may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded to only two representatives in favour of and two opposing the adjournment, after which the motion shall, subject to rule 29, be immediately put to the vote.

Closure of debate

Rule 27

A representative of any State participating in the Conference may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his/her wish to speak. In addition to the proposer of the motion, permission to speak on the motion shall be accorded to only two representatives opposing the closure, after which the motion shall, subject to rule 29, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 28

Subject to rule 40, a representative of any State participating in the Conference may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 29, be immediately put to the vote.

Order of motions

Rule 29

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submissions of proposals and substantive amendments

Rule 30

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, substantive proposals shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 31

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 32

Any motion calling for a decision on the competence of the Conference to discuss any matter or adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

Reconsideration of proposals

Rule 33

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded to only two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VIII. DECISION-MAKING

General agreement

Rule 34

The Conference shall exert all possible efforts to ensure that its work and the adoption of its report are accomplished by general agreement.

Voting rights

Rule 35

Each State participating in the Conference shall have one vote.

Majority required

Rule 36

1. Subject to rule 34, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Unless the Conference decides otherwise and except as otherwise provided, decisions of the Conference on all matters of procedure shall be taken by a simple majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Meaning of the phrase "representatives present and voting"

Rule 37

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 38

1. Except as provided in rule 45, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls and its representative shall reply "yes", "no" or "abstention".

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a representative requests otherwise, be taken without calling out the names of the States participating in the Conference.

3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any record of or report on the Conference.

Explanation of vote

Rule 39

Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Conduct during voting

Rule 40

After the President has announced the commencement of voting, no representative shall interrupt the voting except on a point of order in connection with the process of voting.

Division of proposals

Rule 41

A representative may move that parts of a proposal be voted on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded to only two representatives in favour of and two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 42

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 43

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote.

Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 44

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a vote is taken on the proposal in question.

Elections

Rule 45

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 46

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes shall be elected.

2. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the largest number of votes in the previous ballot, in a number not exceeding twice the number of places remaining to be filled.

IX. SUBSIDIARY BODIES

Main Committees

Rule 47

The Conference shall establish one or more Main Committees, which may set up subcommittees or working groups. Each Main Committee, unless it decides otherwise, shall elect three Vice-Chairpersons and a Rapporteur.

Representation on the Main Committees

Rule 48

Each State participating and the European Community may be represented by one representative on each Main Committee established by the Conference. It may assign to these Committees such alternate representatives and advisers as may be required.

Other committees and working groups

Rule 49

1. In addition to the Committees referred to above, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions.

2. Each committee may set up subcommittees and working groups.

Quorum

Rule 50

1. The Chairperson of a Main Committee may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

2. A majority of the representatives of the General or Credentials Committee or of any committee, subcommittee or working group shall constitute a quorum.

Officers, conduct of business and voting

Rule 51

These rules of procedure shall apply, mutatis mutandis, to the proceedings of Main Committees, subcommittees and working groups, except that:

(a) Unless otherwise decided, each committee, subcommittee and working group shall elect its own officers;

(b) The Chairpersons of the General and Credentials Committees, and the chairpersons of the committees, subcommittees and working groups established in accordance with rule 49, may exercise the right to vote;

(c) Decisions of the Main Committees, other committees, subcommittees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 33.

X. LANGUAGES AND RECORDS

Languages of the Conference

Rule 52

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 53

1. Speeches made in a language of the Conference shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference if he/she provides for interpretation into one such language.

Languages of documents, resolutions and other formal decisions

Rule 54

All official documents, resolutions and other formal decisions of the Conference shall be published in the languages of the Conference.

Languages of reports

Rule 55

Any reports submitted by the General Committee, the Credentials Committee or a Main Committee established in accordance with rule 47, as well as the report of the Conference referred to in rule 18, shall be published in the languages of the Conference.

Records of meetings

Rule 56

1. There shall be neither verbatim nor summary records of meetings.

2. Sound recordings of meetings of the Conference and of Main Committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Conference or a Main Committee, no such recordings shall be made of the meetings of any working group thereof.

XI. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 57

1. The plenary meetings of the Conference and the meetings of a Main Committee shall be held in public unless the body concerned decides otherwise. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the plenary.

2. As a general rule, meetings of other bodies of the Conference shall be held in private.

Communiqués on private meetings

Rule 58

At the close of a private meeting, the body concerned may issue a communiqué through the Secretary-General of the Conference.

XII. OTHER PARTICIPANTS AND OBSERVERS

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observer in the sessions and work of all international conferences convened under the auspices of the General Assembly

Rule 59

Representatives designated by organizations, intergovernmental organizations and other entities that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under the auspices of the General Assembly have the right to participate as observers, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any other committee or working group.

Associate members of regional commissions

Rule 60

Representatives designated by associate members of regional commissions may participate as observers, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, any other committee or working group.

Representatives of the specialized agencies*

Rule 61

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any other committee or working group on questions within the scope of their activities.

Representatives of other intergovernmental organizations and other entities

Rule 62

Save where otherwise specifically provided with respect to the European Community in these rules of procedure, representatives designated by other intergovernmental organizations and other entities invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, any working group on questions within the scope of their activities.

Representatives of interested United Nations organs, bodies, programmes and relevant mechanisms, including human rights bodies and mechanisms

Rule 63

Representatives designated by interested organs, bodies, programmes and relevant mechanisms of the United Nations, including human rights bodies and mechanisms, may participate as observers, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any other committee or working group on questions within the scope of their activities. The chairperson of the Commission on Human Rights, the chairpersons or other designated members of human rights bodies and mechanisms, and of bodies established under international human rights instruments, as well as special and thematic rapporteurs or representatives and the chairpersons or designated members of working groups, may participate as observers in the deliberations of the Conference, any Main Committee and, as appropriate, any committee or working group on questions within the scope of their activities.

Representatives of national human rights institutions

Rule 64

Representatives designated by national institutions and ombudspersons for the protection and promotion of human rights may participate as observers in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.

Representatives of non-governmental organizations

Rule 65

Representatives of non-governmental organizations

Rule 65

1. Non-governmental organizations accredited to participate in the Conference may designate representatives to sit as observers at public meetings of the Conference and the Main Committees.

2. Upon the invitation of the presiding officer of the body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence. If the number of requests to speak is too large, the non-governmental organizations shall be requested to form themselves into constituencies, such constituencies to speak through spokespersons.

Written statements

Rule 66

Written statements submitted by the designated representatives referred to in rules 59 to 65 shall be distributed by the secretariat to all delegations in the quantities and in the language in which the statements are made available to it at the site of the Conference, provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which it has a special competence.

XIII. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Method of amendment

Rule 67

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.

Method of suspension

Rule 68

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/3
27 March 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Progress achieved in the fight against racism and reappraising obstacles to further progress

Report of the High Commissioner on the questionnaire circulated pursuant to paragraph 49 (a) and (b) of the Commission on Human Rights resolution 1999/78

GE.00-12068 (E)

CONTENTS

		Paragraphs	Page
Introduction		1 - 3	4
I.	ANALYSIS OF THE QUESTIONNAIRE RESPONSES	4 - 166	4
A.	Progress achieved in the fight against racism	4 - 37	4
B.	Government evaluation of the effectiveness of their policies and practices	38 - 47	9
C.	Ways and means to ensure effective implementation	48 - 83	10
D.	The Committee on the Elimination of Racial Discrimination (CERD)	84 - 94	15
E.	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	95 - 96	17
F.	Immigration policies	97 - 102	17
G.	Steps taken to address contemporary forms of racism	103 - 109	18
H.	Measures to guarantee the rights of indigenous populations	110 - 119	19
I.	Increasing the level of awareness about racism	120 - 128	21
J.	Increasing the effectiveness of United Nations activities and mechanisms	129 - 140	22
K.	The factors that lead to racism, racial discrimination, xenophobia and related intolerance	141 - 146	24
L.	Furthering action-oriented measures at the national, regional and international levels	147 - 162	24

CONTENTS (continued)

		Paragraphs	Page
M.	National institutions	163 - 166	26
II.	CONCLUSIONS	167 - 180	27

Annexes

I.	Questionnaire circulated by the High Commissioner pursuant to paragraph 49 (a) of Commission on Human Right resolution 1999/78	30
II.	List of respondents to the questionnaire	33

Introduction

1. The Commission on Human Rights in paragraph 49 (a) of its resolution 1999/78 requested the High Commissioner for Human Rights to prepare, immediately following the fifty-fifth session of the Commission, the questionnaires referred to in the report of the Working Group with a view, on the one hand, to reviewing progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and, on the other, to reappraise the obstacles to further progress in the field and ways to overcome them, and to send them as soon as possible to States, specialized agencies, international governmental and non-governmental organizations and national institutions. The High Commissioner was also asked, in paragraph 49 (b), to review and analyse the replies and submit a report to the first session of the Preparatory Committee six weeks before the beginning of its work.

2. Pursuant to this resolution, the Office of the High Commissioner for Human Rights (OHCHR) circulated a note verbale dated 22 June 1999 to States, specialized agencies, international governmental organizations and non-governmental organizations (NGOs), and national institutions requesting answers to the accompanying 15 questions. The questionnaire is contained in annex I to the present report. As at the writing of this report, the Office has received 47 responses to the questionnaire.[1] A list of the respondents is provided in annex II.

3. The questionnaire responses have been used to prepare the present report. The full texts of the responses are available for reference at the Office of the High Commissioner for Human Rights in Geneva.

I. ANALYSIS OF THE QUESTIONNAIRE RESPONSES

A. Progress achieved in the fight against racism

4. During the last 50 years since the adoption of the Universal Declaration of Human Rights, the international community has made some important advances in the fight against racism, racial discrimination, xenophobia and related intolerance. Recent decades have witnessed the end of apartheid in South Africa and its adoption of a new multiracial Constitution. In many South American countries, racial discrimination has been and continues to be combated through the abolishment of discriminatory laws. In several countries, there has been an increased recognition of indigenous peoples and their rights, particularly through constitutional and legislative changes.

5. As evidenced by the questionnaire responses, there is a general trend, at least at the declaratory level, towards respect for and promotion of tolerance and the human rights and fundamental freedoms of all human beings, without distinction as to race, colour, ethnicity or national origin.

6. An analysis of the responses can be summarized by the following indicators of progress in the fight against racism, racial discrimination, xenophobia and related intolerance: constitutional guarantees and fundamental rights and freedoms, legislation, government policies and programmes, racial and ethnic representation.

1. Constitutional guarantees and fundamental rights and freedoms

7. A very welcome trend over the past half-century has been the enactment of new constitutional guarantees of human rights in many States, and particularly in newly-independent countries. Some of these constitutions for the first time recognized either the rights of all persons and/or of certain racial or ethnic or religious groups, of indigenous peoples, and of women. Some constitutions have recognized the racial, ethnic or cultural plurality of the nation as well (Mexico, Poland). Countries such as Canada and Lithuania enacted charters which enshrine human rights and fundamental freedoms. These charters of rights and freedoms prohibit discrimination based on inter alia, race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. In Canada, all legislation, policies and programmes are subject to the Charter. It is significant that countries have recognized these rights, values and prohibitions on discrimination in the highest law of the land.

8. The 1990s witnessed newly-independent States, such as the Slovak Republic, Belarus, Latvia, Croatia, Lithuania, enacting new constitutions which reflect the protection of human rights and acceding to international human rights instruments.

9. Further, countries such as New Zealand and Canada have also enacted bills of rights in the 50 years since the adoption of the Universal Declaration of Human Rights.

2. Legislation

10. Almost every country that replied has enacted legislation as an integral and fundamental part of combating racism, racial discrimination, xenophobia and related intolerance. Many of these laws prohibit discrimination on the grounds of race, ethnicity, colour or national origin, and also make it a crime to incite hatred or violence against persons or groups on these grounds. Further, many Governments have criminalized racially-motivated crimes, often with harsh sanctions.

11. The responses indicate that countries have enacted sector-specific legislation prohibiting to a greater or lesser extent racial and ethnic discrimination. Examples include discrimination in labour or employment (Act No. 459 on the Prohibition of Differential Treatment on the Labour Market, Denmark), in participation in the political process (The Voting Rights Act, United States) and in employment (Employment Equity Act, Canada).

12. Some countries have focused their legislation to address the needs and concerns of certain vulnerable groups such as indigenous peoples, the Roma and racial or ethnic minority women, who often constitute a "doubly disadvantaged" group. The Government of Iraq stated that it had instituted a series of legislative and constitutional measures to combat racism, particularly through the "constitutional recognition of the legitimate ethnic rights of Kurds and other minorities within the framework of the territorial integrity and national unity of Iraq".

3. Government policies and programmes

13. Often, constitutional guarantees and legislation are only two elements of a Government's measures against racism, racial discrimination, xenophobia and related intolerance. According to many respondents, government policies and programmes are an integral part of their efforts to combat racism.

14. Countries like Guatemala recognize the multi-ethnic and multicultural nature of the society and this recognition has been incorporated in new and existing legislation. For example, the National Civil Police Act (Decree) states that "the processes of recruiting, selecting, training and deploying staff should include consideration of the multi-ethnic and multicultural nature of Guatemala".

15. A few countries have a comprehensive government strategy concerning the issues of racism, racial discrimination, xenophobia and related intolerance. Canada has an official national policy of multiculturalism which recognizes the diversity of Canadians. As stated in Canada's response, the policy has economic, social, cultural and political dimensions and it informs extensive government programming at the federal, provincial and territorial levels.

16. Cuba reported that it has developed programmes to promote the equality of all of its citizens through the redistribution of wealth, the creation of jobs, the provision of universal education and access to basic social services. It also stated that progress had been achieved through programmes that were especially designed to integrate into society historically disadvantaged sectors and to develop their skills, and through the promotion of blacks and mixed-race persons to management positions.

17. The establishment of a key human rights focal point in the country, whether it was an individual or a national institution was another government initiative reported by some Governments. For example, in Poland there is the Commission for National and Ethnic Minorities and in the Russian Federation the Ministry of Nationalities and Federal Relations. In certain countries, there are both a key individual and a national institution: in the Slovak Republic the Deputy Prime Minister for Human Rights, Minorities and Regional Development and the Council of Government of the Slovak Republic on National Minorities.

18. Many countries have either an office of the Ombudsperson, human rights commission or board of equality of some sort, although they are vested with different powers and mandated with varying responsibilities.

4. Racial and ethnic representation

19. Some Governments reported that they have made some progress in the representation of racial and ethnic minorities in key government and political positions. In 1999 an Arab member of the Knesset was appointed for the first time in Israel's history to the position of Deputy Foreign Minister, and the Slovak Republic has created the position of Deputy Prime Minister for Human Rights, Minorities and Regional Development, who acts as the coordinator for national

minority issues. Many Governments are working to ensure that their national public service reflects the varied racial and ethnic composition of the country (Canada, Denmark, and the United Kingdom).

5. The issue of progress

20. In its response, the Government of Canada stated that a country's progress in the fight against intolerance must be measured by both government action and by the inherent values of its citizens.

21. The Ombudsman's Office of Costa Rica reported that although there had been no violent outbreaks of xenophobia or displays of racial hatred, there was little tolerance for immigrants or for sectors of the population whose members had traditionally been victims of discrimination. The Office continued that it was possibly in that area, which was essentially a matter of "cultural education", that Costa Rica had made the least progress.

22. Some of the reports and answers received about the progress made in the fight against racism, racial discrimination, xenophobia and related intolerance indicated that, in certain countries, progress was neither an issue nor a consideration, owing to the fact that the Government believed that there were no domestic problems in that area, or there was a low incidence of the phenomena. Various reasons were given.

23. The Government of Iceland stated that it was unable to comment on the issue of progress because no serious concerns or conflicts in that regard had arisen, therefore it had not been required to take direct measures. Similarly, the Government of Lebanon replied that racism, racial discrimination and xenophobia were not really issues in that country since persons of all races and all countries of the world were residing there and "no offences ha[d] been committed against them because of their race or origin".

24. The Government of the United Arab Emirates stated that daily conduct and social relations were based on the Islamic religion. As it is committed to the principles and precepts of the religion, it had eliminated all types and forms of racial discrimination as a general rule, notwithstanding any obstacles or problems that may arise from time to time. Therefore, it was not possible to speak of progress made in the field since the prohibition of all forms of discrimination was an "absolute and comprehensive" requirement, the partial or incomplete fulfilment of which was unacceptable.

25. A non-governmental organization with offices in Ghana and Poland reported that although racism and racial discrimination were uncommon in these countries, religious intolerance did exist there.

26. The progress of nations in the fight against racism was evident in greater detail and with greater specificity in responses to certain questions of the questionnaire considered throughout the present report.

6. Obstacles to further progress

27. The questionnaire inquired what the respondents considered to be obstacles to further progress in their country in the fight against racism, racial discrimination, xenophobia and related intolerance.

28. Some Governments repoorted that there were no serious obstacles to further progress in the field under consideration in their countries. Nevertheless, the questionnaire responses did reveal some obstacles to further progress in the field of racism, racial discrimination, xenophobia and related intolerance.

29. The issue of progress in the fight against racism has a component linked to the economic well-being of the people of a country. The Government of the United States indicated that, despite its enactment and enforcement of legislation, race-based disparities in the indicia of economic well-being persist, and that African-Americans, American Indians, Asian Americans, Pacific Islanders and Hispanics had higher rates of poverty than white Americans in the United States.

30. The Government of the Russian Federation replied that obstacles to progress were due to the gaps in or the "defective nature of the [domestic] statutory framework", difficulties in the application of existing legislation and the extreme politicization of ethnic problems.

31. The Government of Cuba cited a lack of political will on the part of many Governments to promote action and eliminate racism, as evidenced by discriminatory immigration policies in many countries, legalization of racist political parties and organizations in many countries, the spread of racist propaganda, including through modern technology like the Internet, and low financial contributions from developed countries to combat racism, inter alia to the Trust Fund for the Third United Nations Decade to Combat Racism and Racial Discrimination.

32. The concentration of wealth in developed countries and in certain social classes, and the legacy of colonialism and neo-colonialism which caused unequal development were noted as the main obstacles in the fight against racism by some non-governmental organizations and Governments.

33. The Government of Cuba also noted the persistence of minimal levels of racial prejudice in some aspects of interpersonal relationships, due to historically based stereotypes, but the number of racially mixed families had increased as a result of education.

7. Overcoming the obstacles to racism, racial discrimination, xenophobia and related intolerance

34. The Government of Chile pointed out that to overcome an obstacle, it was necessary to tackle it at its source. Given that racism and racial discrimination were a consequence of an intolerance of diversity acquired from an exclusive culture, that culture must be reversed. This could be achieved through the design of school curricula that proposed that children and adolescents be educated in the principles of tolerance and respect for differences, and the enactment of legislation to protect the rights of victims of acts of discrimination.

35. The Government of Cuba suggested a "new economic order": a reorientation of current national and international economic relations to allow for the redistribution of wealth between countries. It also suggested that 2005 be set as the target date for achieving the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and that States withdraw immediately their reservations to article 4.

36. A non-governmental organization with offices in several southern African countries stated that laws had abolished racial discrimination; however, the obstacle to further progress was public attitudes. That obstacle could be overcome by increased interaction and education.

37. The Government of the Russian Federation pointed to the need to safeguard individual, collective and media rights and freedoms concerning violations of rights, as well as the need for increased enforcement of the law.

B. Government evaluation of the effectiveness of their policies and practices

38. In the preceding paragraphs, the progress reported by countries in combating racism, racial discrimination, xenophobia and related intolerance, obstacles to the fight against them, and measures to overcome the obstacles have been outlined. The responses tend to suggest that the very existence of the progress indicators is in effect progress in the fight against racism. However, how do Governments evaluate the effectiveness of their policies and practices in the fight against racism, racial discrimination, xenophobia and related intolerance?

39. A small number of governments evaluated effectiveness, and few benchmarks or measures for evaluating the effectiveness of these policies and practices existed.

40. The Government of Chile stated that the effectiveness of policies and measures adopted was a relative consideration. Progress had been made with respect to including specific objectives relating to racial discrimination in Chilean policies and programmes. However, it was stated that, it cannot be ascertained if this new approach will succeed in bringing about real and significant changes in future generations.

41. The Government of Lebanon considered that the best and most successful way to ensure more effective implementation of the standards and instruments used to combat racism and racial discrimination was strict enforcement of the law.

42. A few Governments stated that they utilized reviews of their periodic reports by the Committee on the Elimination of Racial Discrimination as an evaluative measure of the effectiveness of their policies and practices.

43. The Government of New Zealand indicated that its Human Rights Act required the Ministry of Justice to report to Parliament every six months on progress across government in remedying significant inconsistencies between existing legislation and the Human Rights Act.

44. The Government of Portugal reported that its national institution, the Commission for Equality and against Racial Discrimination, was required to regularly evaluate the domestic situation with regard to racism and racial discrimination.

45. In Canada, the federal Government and various provincial governments, departments and bodies undertook surveys and there was a task force on the participation of visible minorities in the federal public service.

46. Similarly, in the United States several federal, national and state entities compiled data, such as the number of civil rights violations, and conducted studies in the areas of education, employment, health and housing, income and law enforcement. The Government reported that it determined whether its policies and practices in the field were achieving progress by monitoring the key indicia of social and economic well-being.

47. The Government of the United Kingdom reported that over the past five years it had provided extensive funding to local authorities and community groups to undertake projects aimed at combating racism, and that each of those projects had an in-built evaluation element. It had also conducted a domestic survey to assess the level of racist attitudes within the country and it was using the results to set targets for recruitment and retention in the public service and career progression targets for ethnic minority staff in the Home Office and the police, fire, prison and probation services.

C. Ways and means to ensure effective implementation

1. Measures to prevent incitement to racial hatred

48. Almost all of the government respondents reported that incitement to racial hatred was an offence under domestic criminal law (Austria, Belarus, Canada, Chile, Croatia, Cuba, Israel, Lithuania, New Zealand, Russian Federation, Poland, Spain, United Arab Emirates). Several Governments have enacted legislation which provides that where a criminal act is committed with a racist motive or intent, this constitutes an aggravating circumstance and can lead to harsher penalties (Austria, Canada, Croatia, Denmark, Israel, Spain, United States).

49. The Constitution of the Russian Federation contains a provision which prohibits propaganda or agitation that incites social, racial, ethnic or religious hatred or enmity. Propaganda that advocates social, ethnic or religious, or linguistic supremacy is also prohibited by the Constitution.

50. In 1997, Poland amended its Penal Code, adopting provisions which prohibit incitement and racial hatred, and offences that are analogous to genocide. In Canada, advocating or promoting genocide is an indictable offence, punishable by up to five years of imprisonment.

2. Preventing incitement to racial or ethnic hatred on the Internet

51. In Canada, Denmark and Poland, the existing statutory provisions are considered applicable when hatred is communicated through the Internet. The Government of Lebanon stated that under the supervision of the President and the head of the executive authority, Ministers issue written orders and monitor their implementation to ensure that the dissemination of ideas based on racial superiority or racial discrimination through the Internet was punished in

accordance with the laws and regulations. "La Commission fédérale contre le racisme" pointed out that the official practice in Switzerland was to combat racism on the Internet through federal police teams which tracked racist sites.

52. The Government of the United States reported that the First Amendment to the Constitution curtailed the Government's ability to restrict or prohibit speech, expression or certain ideas, however objectionable. It stated that, therefore, some articles of the International Convention on the Elimination of All Forms of Racial Discrimination in that regard were inconsistent with its Constitution. However, while speech was protected, racist behaviour or racially motivated crimes were not. National and some state laws prohibited hate crimes. The Government also reported that the media (television, print and radio) and education initiatives were used to influence social behaviour by targeting large and diverse audiences.

3. Steps taken to declare illegal or prohibit hate organizations

53. Most respondent Governments reported that their countries had taken steps to declare illegal or prohibit hate organizations.

54. The Government of Austria stated that it regulated associations and organizations where the aim, name or organization was unlawful, that is, inconsistent with the European Convention on Human Rights.

55. The Government of the United States reported that it had not taken any steps to prohibit organizations which promoted and incited racial hatred as that would violate the constitutional right to free speech.

56. The Government of Israel reported that the Israeli election legislation had been reformed during the 1980s to prohibit the participation of racist political parties in national and municipal elections and that the law had been upheld in a landmark Supreme Court decision.

57. The Polish Constitution contains provisions that ban the existence of political parties and other organizations which invoke in their programmes totalitarian methods and practices of nazism, fascism, communism, as well as those whose programmes which include or allow for racial and national hatred. Similarly, Lebanon reported that it had ordered the dissolution, in accordance with its laws prohibiting racial discrimination and religious intolerance, of some political parties and organizations that had been formerly authorized to operate. Lithuania reported that it has refused several times to register a certain organization on these grounds as well.

58. Laws have been enacted in Belarus, Cuba, the Slovak Republic and Spain that prohibit the creation of associations whose aim is to incite inter alia racial, ethnic or religious hatred.

4. Steps to ensure equality before the law

59. According to the questionnaire responses received by the OHCHR, Governments are working to ensure equality before the law, without distinction as to race, colour, descent, or national or ethnic origin, in the enjoyment of political, civil, economic, social and cultural rights,

generally through statutory means. Most respondents had more or less enshrined the particular rights that comprise "equality before the law" in their constitutions, or their parliaments had passed domestic legislation that could be considered consistent with the principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

60. Most respondents stated that their countries had enacted legislation that addressed each of the following principles: equal treatment before tribunals and equal rights to security of the person, to participate in the political process, to freedom of expression and assembly, to work and equal pay for equal work, to housing, to education, and to access to places or services.

61. Most of the respondent Governments also stated that their constitution, laws and administrative procedures provided individuals and organizations with the right to challenge government policy and practice through administrative review and the courts, and in effect to test the principle of equality before the law. Indeed, in many countries, the judicial system, particularly the appellate courts or the supreme court, have played a significant role in interpreting and upholding the principle of equality before the law. Two examples are the 1954 United States case of Brown v. Board of Education, in which school segregation was held to be unconstitutional, and the recent Canadian case of R. v. Williams (Victor Daniel), which ensures that jurors will not harbour racist attitudes towards accused persons. The following paragraphs outline other notable steps taken by individual Governments.

62. In Canada, equality before the law is also understood as an issue of access to the law. Therefore, the federal and provincial governments have instituted programmes such as legal assistance which provides legal representation for lower income or indigent persons and the Native Courtworker Program which enhances access to justice for Aboriginal persons involved in the criminal justice system.

63. The Government of Guatemala said that its cultural diversity and the existence of over 20 Maya languages had caused difficulties in access to justice for the many citizens did not speak Spanish. Its Procurator's Office has embarked on a project to regionalize and expand the prosecution services to provide greater access to the public (including through the provision of interpreters). In addition, community courts that apply both criminal law and local practices and cultures have been established in several communities that have large indigenous populations.

64. The Ombudsman's Office of Costa Rica stated that, although access to judicial proceedings was never denied, the requirement for identification documents in certain proceedings, might place illegal migrants at a disadvantage.

65. With regard to the right to equal treatment before tribunals, Denmark reported that its Ministry of Justice was considering replacing the legal requirement of Danish nationality as a condition of appointment as a juror or judge. The Administration of Justice Act may be amended to make the requirement three years of residence in Denmark, in order for jurors or lay judges to reflect the composition of the population.

66. The United Kingdom has committed itself to extending ethnic monitoring to all stages of the criminal justice system, including compulsory ethnic monitoring in all police force areas, covering stop seizures, arrests, cautions and homicides. The Government was also continuing its work on community policing and race relations.

67. The Government of Iceland reported that although the International Convention on the Elimination of All Forms of Racial Discrimination did not have the force of law domestically, it was of the opinion that its 1995 Constitution largely reflected the provisions of United Nations human rights conventions and the European Convention on Human Rights.

68. In some countries, and with respect to some rights, a legal distinction is made between the equality of nationals and non-nationals. For example, Austria's Constitution provides for the equality of "nationals" before the law. The Spanish Constitution states that "Spaniards are equal", whereas "aliens" in Spain shall enjoy public freedoms under terms laid down by treaties and the law.

69. In addition, there are countries where the right to equality before the law concerns only official acts, or laws or acts of the Government or its agents; it does not extend to discriminatory acts of private persons or entities.

5. Remedies for persons whose rights have been violated

70. Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination provides:

> "States parties shall assure to everyone within their jurisdiction effective protection and remedies, through competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination."

71. Generally, the questionnaire answers reveal that, where a person's rights have been violated, one course of remedy is criminal prosecution of the offender(s) by the State. However, by far the most frequent remedies are administrative review of government policy or action, and civil lawsuits in the courts. These civil options are available to individuals and, in certain cases, the Government (in the case of the United States, the Department of Justice) or a national institution (the Canadian Human Rights Commission) could initiate such proceedings on behalf of an individual or group. Some respondents indicated that court cases had led to the establishment of clearer standards with respect to acts of racial discrimination which violated rights and freedoms. In New Zealand, the Court of Appeal held that, in certain cases, breaches of the Bill of Rights Act could be remedied by the award of damages, despite the absence of an express provision to that effect in the Act itself.

72. In some countries there are other independent review mechanisms that provide remedies: human rights commissions, Ombudsperson offices, a police complaints commissioner, or an official languages commissioner.

73. A few respondents to the questionnaire reported that neither civil nor criminal cases had been brought before the courts in recent years and no complaints had been filed with their Ombudsperson offices.

74. The questionnaire answers did not yield any evidence of the effectiveness of these reported remedies, such as a decrease in reported race crimes. As discussed above, there have been some successful court cases, although it is unclear how many cases have been actually filed, and by whom, in the first instance.

6. National institutions

75. Some Governments stated that they had national institutions specifically charged with preventing racism, racial discrimination and related intolerance and/or investigating such cases. Countries such as Canada, Guatemala, New Zealand and the United Kingdom had established human rights commissions that investigated complaints of unlawful discrimination on enumerated grounds, which included colour, race, ethnicity and national origin. In some cases they could also investigate a case and refer it to trial. In certain countries, there also exist Ombudsperson offices and complaints and investigation mechanisms concerning police services.

76. In some countries there exist national human rights institutions which perform other functions in the field of combating racism, racial discrimination, xenophobia and related intolerance. These functions include collecting information and statistics, undertaking research and preparing reports, preparing documents for public dissemination, human rights counselling, advising the Government on human rights issues, and public education (Austria, Iceland, Russian Federation, Slovak Republic, Spain, Switzerland).

77. Some Governments stated that although they did not have national institutions specifically charged with preventing or investigating racism, racial discrimination, xenophobia and related intolerance, the matter was addressed through other governmental and through non-governmental means. The Government of the United States reported that although there did not exist a specific national institution with that focus, human rights responsibilities were shared by the Department of Justice, sector-based bodies such as the Equal Employment Opportunity Commission and the Bureau for Indian Affairs, and non-governmental organizations. Similarly, in countries such as Austria and Poland courts, government departments or administrative bodies decided and monitored cases of racism and racial discrimination. In Peru several NGOs were concerned with the issue of racial discrimination.

7. Training of law enforcement and judicial officials

78. Every respondent stated that human rights training was in place or was in the process of being implemented for their respective law enforcement and judicial officials. Some respondents noted that some or all judicial, police service and prison officials were receiving or would receive specialized training to prevent racism, racial discrimination, xenophobia and related intolerance.

79. For example, the Governments of Croatia and the Slovak Republic pointed out that the issue of the treatment of racial and ethnic minorities by police services and the training in that respect of law enforcement personnel were of particular importance to them.

80. The Government of Madagascar mentioned that under a technical assistance agreement with the OHCHR, human rights training was planned for February 2000.

8. Steps taken to ensure the equal enjoyment by women of their rights

81. The questionnaire responses indicate that there are few laws, policies or programmes in countries specifically addressing the equal enjoyment of their rights by women who are at an additional disadvantage owing to racial or ethnic discrimination, xenophobia or related intolerance. It was pointed out by some respondents that these women were covered by the same policies and measures extended to other women. There were a few exceptions to this trend. For example, in addition to its Office for Human Rights, The Government of Guatemala reported that it also had an Ombudsman for Indigenous Women.

82. Some respondent Governments stated that, in addition to constitutional protection and domestic law on the rights of women and statutory provisions guaranteeing their equality before the law, they were giving effect to the principles of the Beijing Declaration and Platform for Action of the Fourth World Conference on Women. Respondents reported that policy and programming sectors included, social security, health, education, financial, labour and economic sectors.

83. The Government of Spain stated that its Third Plan for Equal Opportunity for Women and Men was aimed at promoting the participation of women in all spheres of social activity and that the Government was focusing on the area of "social exclusion".

D. The Committee on the Elimination of Racial Discrimination (CERD)

84. Every government respondent to the questionnaire is a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

85. Every respondent expressed general willingness to promote further constructive dialogue with CERD. A few respondents stated that they were willing to seek the services of CERD in the field of preventive diplomacy and agreed that the early warning and urgent procedures of CERD should be strengthened.

86. The Government of the United States stated that it welcomed "active engagement" to explore how CERD could make more effective use of its mandate on country reporting in order to provide an early-warning capability to States parties.

87. The Government of Austria suggested that CERD could coordinate its early warning and urgent procedures with other human rights mechanisms such as the various Special Rapporteurs and the technical assistance programme of OHCHR. The prevention capacities of CERD could

be strengthened by a focused exchange on relevant mechanisms, including the Working Group on Minorities and follow-up on the observations of the Committee after the consideration of State party reports.

88. The Government of Cuba pointed out that treaty bodies like CERD had not been established as early warning systems and that other United Nations mechanisms were better placed to carry out that task. The best "preventive diplomacy" that CERD could undertake was the continuation and streamlining of its consideration of the periodic reports, and its recommendations for improving the implementation of the Convention.

9. Obstacles to the submission of regular reports to CERD

89. In the view of respondent Governments, there are several obstacles to the submission of periodic reports to the Committee on the Elimination of Racial Discrimination.

90. Many respondents stated that the key obstacle was the fact that there was often a simultaneous need to submit reports on similar subjects to other treaty and non-treaty bodies. There appeared to be a proliferation of international mechanisms which required the submission of human rights information, and many issues reported on to CERD overlapped with those addressed in reports to other bodies.

91. Several government respondents noted the lengthy period between the submission of a report to CERD and its actual consideration by the Committee; and, conversely, the short period before a new report was due for submission. There was also a perception that CERD had too heavy a workload.

92. The submission of regular reports was also hindered by a country's bureaucracy, limited funding and human resources. The provision of periodic reports was particularly difficult for small and developing countries and in federal systems with small provinces, territories or states that had limited personnel and financial resources. The Governments of the Slovak Republic and the United States pointed out that in many countries, race and racial discrimination were complex issues that involved more than one level of government, as well as the input of NGOs and the private sector. The Governments of New Zealand and the United States suggested that OHCHR should consider programmes to assist countries in completing their reports. The Government of the United States indicated that NGOs might wish to make suggestions to Governments that had structural or policy impediments which hindered the fulfilment of CERD implementation and/or reporting obligations.

93. Some improvements to the reporting process were suggested by the Government of Austria. It recommended that the CERD reporting procedures should be reviewed and the responsibilities of country rapporteurs be increased. It was also suggested that countries might submit comprehensive initial reports that were followed by shorter periodic updating reports. Reporting countries could also make reference to other relevant reports that they had submitted to other treaty and non-treaty bodies.

94. The Government of Cuba indicated a failure by officials of some States parties to assume their responsibility to prepare reports as was required under the Convention. It also pointed to

domestic obstacles, particularly in developing countries, including inadequate contact and cooperation between the various departments and ministries of the State that must submit the information used to draft the reports.

E. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

95. Chile as well as Mexico (through the response of its National Human Rights Commission) are the only respondents to the questionnaire which are also parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[2] Some factors were cited as preventing accession to the Convention. Most respondent Governments stated that everyone legally authorized to work in their territory was protected by domestic legislation and employment standards. A few respondents stated that some of the provisions of the Convention were contrary to the national employment system. The Government of Austria stated that another factor was that the Convention definition of a "migrant worker" did not make a distinction between persons legally and illegally engaged in a remunerative activity. Further, several respondents stated that the rights of migrant workers were being addressed, and should continue to be so, through the International Labour Organization (ILO) or under regional agreements concerning migrant workers.

96. As a result, many Governments noted that they had no plans to ratify or accede to the Convention on migrant workers. Further, one respondent stated that the low signatory and ratification level[3] in the decade since the Convention had been adopted, signalled little support for the Convention as a human rights instrument, and that accession to the Convention on Migrants should not be an objective of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

F. Immigration policies

97. Several government respondents to the questionnaire stated that their country had not reviewed or made any revisions to its immigration policies as they were in conformity with human rights standards and in the spirit of international human rights instruments. Some countries had reviewed, and where necessary, revised their immigration policies to increase coherency with international human rights instruments.

98. The Government of Belarus reported that its Parliament had enacted a new immigration act in July 1999, which conformed with international standards.

99. The Government of Chile responded that in 1999, it had extended the period within which Peruvian immigrants could regularize their situation.

100. The Government of Lithuania stated that a new Law on the Legal Status of Aliens had been enacted in Lithuania in 1998. Under that Act previous immigration "quotas" had been abolished.

101. The Government of Portugal reported that it had recently introduced a new legal regime in the field of immigration to address the issues of immigrants, refugees and foreigners, and which prohibits discrimination in immigration based on race, nationality or ethnic origin.

102. The Government of the United States stated that in 1994 it had instituted a "diversity lottery" which provided 50,000 visas for permanent immigration in order to facilitate immigration from countries that were not historically countries of origin.

G. Steps taken to address contemporary forms of racism

103. Some respondent Governments indicated that it was not necessary to address contemporary forms of racism, racial discrimination or any form of discrimination because they were not present in the domestic situation, or because the groups or practices (inter alia, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance including indigenous peoples, migrants, refugees, displaced persons and Roma) were not to be found in the population. A few respondent Governments pointed out that the steps taken by them applied to all forms of discrimination and were not focused on a particular group of persons.

104. The Governments of the Slovak Republic and Poland stated that they had been taking steps to address contemporary forms of racism, racial discrimination and any form of discrimination against the Roma people. It was pointed out that that had been and continued to be a difficult problem to address because the Roma were at once isolated and often themselves limited their contacts with society as well. In Poland, the Ministry of Education had established a new educational syllabus and had introduced integrated classes of Roma children and Polish children, but implementing that measure had proved difficult.

105. The Roma of the Slovak Republic were granted the status of a national minority in April of 1991, and in February 1999, the Government appointed a member of the Roma community to the post of Plenipotentiary of the Government of the Slovak Republic in order to address the problems of the Roma minority. The Government has made the Roma the focus of dedicated government policy, inter alia in the areas of education, language, culture, unemployment, housing, social security and health. The Government also reported that it was conducting an ongoing dialogue with Roma representatives, organized round-table discussions and was monitoring racist movements and activities.

106. In Spain also steps are being taken to improve the quality of life of Roma women and men by promoting their participation in public and social life through its Programme for Gypsy Development. The Government stated that it was working with NGOs and associations on technical and financial programmes.

107. A Hungarian non-governmental organization reported that a Roma political party (Tzigan) had been established and that it had membership in the Parliament.

108. The Government of Israel reported that through its policy of "affirmative action" it had set as a major policy objective "the need to work toward full and equal rights for all Arab, Bedouin, Druze, Circassian and other citizens of Israel, and to correct past inequalities in the allocation of resources" and that, in that context, "the gap between the Jewish majority and the

Arab minority had been considerably diminished over recent years, but nevertheless, regrettably, still existed". It stated that it had invested more funds "in the Arab sector as part of an affirmative action effort, in order to reduce social gaps and address the fundamental problems of education, planning, development, industry and housing". To that end, it had established a Ministerial Committee to deal with Arab Population Affairs to implement the affirmative action policy and it was making special efforts to integrate Arabs in the public sector, especially the civil service. The Government of Israel also stated that it was providing services and special assistance programmes to the Ethiopian Jewish community to facilitate their successful integration into Israeli society.

109. In order to deal with contemporary forms of racism, a legislative reform package is being prepared in Chile with a view to covering all forms of discrimination and to penalizing any form of discrimination practised by a private or public entity.

H. Measures to guarantee the rights of indigenous populations

110. OHCHR received nine substantial responses to the question of legislative, administrative or other measures taken to guarantee the rights of indigenous populations.

111. The Government of Chile reported that The Indigenous Peoples Act punished discriminatory behaviour directed against indigenous persons. That Act had provided for the establishment of the National Indigenous Development Corporation (CONADI), which was responsible for promoting, coordinating and giving effect to the comprehensive development (economic, social and cultural) of indigenous peoples in Chile. The question of land had been the subject of recent discussions between the Government, CONADI and indigenous groups. There was also a bill before Congress calling for the recognition of indigenous groups. The Technical Secretariat for Indigenous Affairs (SETAI) had been created with the purpose of promoting, coordinating, directing, supervising and evaluating gender-sensitive policies, plans and programmes, and projects for the development of peasant and native communities, while respecting their ethnic and cultural identity and their own forms of organization. The Commission on Indigenous Affairs had also been established by drawing on representatives from various government departments such as those of education, health, defence, agriculture and industry, and the Office of the President. It also included indigenous representatives, one of whom chaired the Commission.

112. The Ombudsman's Office of Costa Rica stated that the Government had ratified the ILO Convention on Indigenous and Tribal Populations (No. 169), which dealt with the issue of land in indigenous territories, and the Government had also committed itself to respecting and ensuring the realization of all other rights contained in that Convention. Costa Rica had also signed ILO Convention No. 107, which had been the basis of a series of laws on indigenous peoples that were "strongly integrationist in intent". A new Act had been promulgated in Costa Rica which recognizes the State's obligation to ensure the maintenance and promotion of national indigenous languages.

113. The Government of Canada reported that the Royal Commission on Aboriginal Peoples had completed its report in 1996 after five years of research, consultations and public hearings. Among its over 400 recommendations touching on all aspects of Aboriginal/Government

relations in Canada, was the conclusion that a fundamental change was needed in the relationship between Aboriginal and non-Aboriginal peoples. The Federal Government had responded by issuing "Gathering Strength: Canada's Aboriginal Action Plan", which included a Statement of Reconciliation. The Government was committed to renewing partnerships with Aboriginal peoples, strengthening Aboriginal governance, developing a new fiscal relationship and supporting strong Aboriginal communities, people and economies. In addition, the Government had released its policy on the implementation of the inherent right of, and the negotiation of Aboriginal self-government. Since 1995, it had settled land claims, signed self-government agreements and it had negotiated the creation of a new territorial government called Nunavut. According to the Government's questionnaire response, although barriers still exist for indigenous peoples in Canada, there has been some important progress.

114. The Government of the Russian Federation stated that the rights of "small indigenous peoples", such as the right to preserve one's native language, were safeguarded by the Constitution and that the protections were consistent with principles and standards of international law. The Small Indigenous Peoples (Legal Guarantees) Act adopted by the Duma in 1999, provided State compensation and guarantees for persons living in the North and Arctic regions, and general principles governing the organization of small indigenous communities. The Government had also prepared bills on traditional environment management zones of small indigenous peoples of the North, Siberia and the Far East which addressed land use, compensation for the industrial development of such regions, the establishment of conditions for the revival of traditional economic activities, and cultural and educational rights.

115. The Government of Guatemala reported that the Agreement on the Identity and Rights of Indigenous Peoples, signed in 1995, committed it to concrete action in the fields of indigenous peoples' identity, the fight against discrimination, cultural rights and civil, political, social and economic rights.

116. The Government of New Zealand stated that, under the Treaty of Waitangi Act of 1975, a permanent commission of inquiry called the Waitangi Tribunal was mandated to inquire into and make findings and recommendations to the Crown on claims relating to the Treaty. The Government had negotiated with the Maori several claims over the years and, in 1992, the Ministry of Maori Development (Te Puni Kokiri) had been established.

117. The Government of the United States noted that it had government-to-government relations with some federally-recognized tribal governments. It stated that different government departments held regular and meaningful consultations and dialogue with tribal governments and communities. An extensive body of treaties, administrative policies and court decisions enumerated the rights of the indigenous population. A number of laws, including the American Indian Religious Freedom Act, the 1992 Tribal Amendments to the National Historic Preservation Act, and the Native American Languages Act, protected native cultures and attempted to correct damage from the past. With regard to compensation, Congress had acted through The Indian Claims Act, special settlement act legislation and other mechanisms to provide compensation for lands and address other land issues.

118. The Government of Denmark stated that the Home Rule Act had enabled Greenland (where the majority of the population was indigenous) to assume responsibility in all areas

concerning the community, including cultural affairs. Under that arrangement, Greenland was part of the Danish Realm and was defined territorially as the Island of Greenland, and the arrangement is not linked to the criteria of ethnic origin.

119. The Mexican National Human Rights Commission stated that the Constitution of the United States of Mexico provided, in article 4:

> "The composition of the Mexican nation is multicultural, deriving originally from its indigenous peoples. The law is required to protect and promote the development of their languages, cultures, usages, customs, resources and specific forms of social organization and to guarantee their members effective access to the jurisdiction of the State. In judgements and proceedings in agrarian matters to which the latter are party, account shall be taken of their legal practices and customs laid down by the law."

I. Increasing the level of awareness about racism

120. Under article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups.

121. Every respondent to the question regarding action taken under article 7 cited the fundamental importance of education in increasing awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance. The teaching of tolerance and diversity, especially to youth, was seen as a cornerstone in that respect. Many respondents stated that diversity education and human rights consciousness-raising could be achieved through the educational curricula of a given country.

122. The mass media should be used as a tool to disseminate information about different racial, ethnic and religious groups and cultures. In Canada, the federal public broadcasting and telecommunications service utilizes national radio broadcast and television programming to reflect the diversity of Canadian society and the particular place of Aboriginal peoples. This cultural measure has been used effectively to prevent forms of racial discrimination. In Cuba also, the mass media have become effective tools for education and the promotion of human rights in the country.

123. The Swiss Federal Commission against Racism, pointed to the importance of involving racial, ethnic and religious minorities, as well as immigrants, in devising programmes of education and awareness-raising.

124. The Government of the United States suggested the convening of "facilitated dialogues" on race relations as a means to raise awareness, because intolerance is based in ignorance. Also, several Governments and NGOs supported the organization of international student congresses to raise awareness.

125. The Government of Israel underlined the importance of positive public statements by political leaders, policy-makers and other spokespersons.

126. Many respondents pointed to the need to use the Internet to increase the level of awareness about the scourges of racism, racial discrimination, xenophobia and related intolerance.

127. The role of NGOs was also cited as an important component of awareness-raising. Some Governments and NGOs pointed to the very limited resources available for awareness-raising initiatives, which was a constraint on the ability to combat racism effectively.

128. Limited information was forwarded to OHCHR on the effectiveness of the measures undertaken in the fields of teaching, culture and information to combat racial prejudice.

J. Increasing the effectiveness of United Nations activities and mechanisms

129. The questionnaire asked respondents to make concrete recommendations for increasing the effectiveness of United Nations activities and mechanisms through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance

130. The Government of Madagascar emphasized the importance of providing material and financial assistance to developing countries in order to encourage and improve public awareness programming about racism, racial discrimination, xenophobia and related intolerance.

131. An NGO based in Ghana suggested that the United Nations work to formulate a human rights and racial discrimination educational programme which should be made part of national educational curricula.

132. The Government of Cuba made several recommendations. In order to increase the effectiveness of the United Nations in this area, the Third Decade to Combat Racism and Racial Discrimination should be financed from the regular budget of the United Nations, not from extrabudgetary donations from member States. OHCHR should establish a fourth branch which would deal with all matters relating to the fight against any form of discrimination and with the promotion of the rights of minorities, indigenous peoples, migrant workers and other vulnerable groups. It also recommended that the United Nations increase efforts to complete the negotiations on the Universal Declaration on Indigenous Rights; that States should be encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; that the Commission on Human Rights should undertake the drafting of minimum international standards in the fight against racism, racial discrimination, xenophobia and related intolerance, and that it draw up a code of ethics governing the use of the media, particularly the operation of the Internet.

133. The Government of Chile suggested that international meetings for young people from different countries should be convened to allow them to share experiences which would raise awareness. Other "awareness-raising" suggestions included promotional campaigns using

booklets, posters and the Internet, the staging of mega-events with the collaboration of artists, sports celebrities, singers and musicians, and the convening of meetings of officials with an interest and responsibility in this area.

134. Similarly, the Government of Denmark suggested that further programmes should be elaborated to involve the youth of all countries in order to strengthen youth networks irrespective of frontiers, cultures, religious or political backgrounds.

135. The Government of Austria recommended the creation of a forum comprised of the existing international human rights procedures, technical cooperation programmes, treaty bodies and special rapporteurs, which would be supported by OHCHR.

136. The Government of the United States stated that education was important and that OHCHR should undertake human rights education initiatives in the area of racism, racial discrimination, xenophobia and related intolerance. It emphasized the need for preventive diplomacy in ethnic and racial conflicts, and stated that the preparatory phase of the World Conference presented a good opportunity to inculcate it. The Government recommended the deployment of a small number (one or two) of OHCHR staff in large cities in the regions in order to establish a dialogue with NGOs and local officials. Those meetings should involve resource materials, panel discussions and the report of the meetings should suggest "best practices". Finally, all United Nations missions should contain a component on the prevention of racial discrimination.

137. Several Governments and NGOs supported the idea of United Nations experts and of member State "expert exchanges" in the field of racial discrimination, xenophobia and related intolerance.

138. The Government of Israel stressed the need for new and original solutions to combat racism and related discrimination. It stated that the United Nations should assume greater responsibility in that field and assume a leading role, particularly with respect to education. That could be achieved through financial assistance for education and extracurricular activities, incentives and school grants to encourage studies and research in the related areas of law, psychology, history, community, political science and education. Another recommendation was the establishment of international summer camps, to be attended by youth from all over the world.

139. The Government of Peru referred to the importance of financial and logistical support from the United Nations.

140. An Africa-based NGO suggested that a department of the United Nations should be dedicated to deal with issues of racism that occurred in each country of the world. It would support the work of the Special Rapporteur, the Commission on Human Rights and the High Commissioner for Human Rights. In addition, such a department should form an "international observation network" to work closely with national, regional and international NGOs.

K. The factors that lead to racism, racial discrimination, xenophobia and related intolerance

141. The respondents were asked to review the political, historical, economic, social and cultural factors leading to racism, racial discrimination, xenophobia and related intolerance. There was little consensus and information provided on the question of factors leading to racism. One respondent stated that the very question invited speculation and that what was required was scientific research. Some respondents did not answer the question. One respondent pointed out that all of the stated factors merited attention.

142. Nevertheless, some Governments and some NGOs pointed to the influence of economic factors in causing racism. Several stated that in many developing countries, a colonial past and neo-colonialism had led to the subjugation of one race or culture and the domination of another. It was pointed out that that had been the experience of Latin America, and of many African and Asian countries. Some respondents pointed out that the concentration of wealth, and its attendant political power, in the hands of a few were also factors that led to racism and racial discrimination.

143. Some respondents referred to domestic economic problems and perceptions about immigrants, refugees and asylum-seekers as factors which motivated intolerance and racial discrimination.

144. It was pointed out that psychological factors were also important: insecurity, anger, hatred, fear and aggression, which were common to humanity, often influenced behaviour that could manifest itself as racism, racial discrimination, xenophobia and related intolerance.

145. In the response of the Government of Lebanon, it was stated that racism was virtually non-existent there. However, intermittent conflicts with its neighbour had given rise to some racial discrimination and xenophobia. Similarly, several other government respondents noted that the situation of racism and ethnic relations in their countries was largely determined by the overall stability in the region.

146. One respondent stated that a decrease in the number of cases of racial discrimination in the world would result from changes in living conditions and in mentality, and from increased cultural contacts.

L. Furthering action-oriented measures at the national, regional and international levels

147. The respondents were asked to formulate concrete action-oriented measures to be undertaken at the national, regional and international levels to further combat racism, racial discrimination, xenophobia and related intolerance.

1. At the national level

148. Countries should ensure the creation of the office of Ombudsperson at the national and sub-national level (state, cantonal, provincial, territorial) and provide assistance to victims. States should re-evaluate their naturalization policies and processes.

149. The Mexican Human Rights Commission suggested that the most effective means of countering racism would be the incorporation of multiculturalism in daily life and in educational curricula.

150. It was suggested that all countries should adopt a human rights educational curriculum with an explicit focus on racism, racial discrimination, xenophobia and related intolerance. This should be linked to the modern mass media and especially the Internet.

151. Another recommendation was that countries should allocate resources to strengthen human rights enforcement domestically. The efficiency of social workers and educational professionals should be improved and their work supported.

152. It was suggested by the Swiss Federal Commission against Racism that all parties to the International Convention on the Elimination of All Forms of Racial Discrimination should remove their reservations to article 2 of the Convention.

153. Several respondents supported the establishment of national "best practices" forums and ongoing constructive dialogue between Governments, racial and ethnic groups, indigenous populations and NGOs.

154. It was recommended that all Governments should improve their linkages and cooperation with national and local NGOs working in the field of racism, racial discrimination, xenophobia and related intolerance.

2. At the regional level

155. Several respondents supported regional initiatives to combat all forms of racism, racial discrimination, xenophobia and related intolerance. There was great support for regular regional meetings of regional organizations such as the Organization of American States, the European Commission, the Council of Europe and the Organization for African Unity.

156. It was also suggested that regional meetings involving national, regional and international authorities should be held to adopt and implement specific measures on matters of common concern, such as the Roma, refugees, indigenous populations, and racial and ethnic conflicts.

3. At the international level

157. Several action-oriented measures at the international level were suggested, including the creation of a worldwide public education campaign to combat racism, racial discrimination, xenophobia and related intolerance, and international "best practices" forums sponsored or organized by the United Nations, to be held in different regions of the world.

158. The Government of Chile stated that all member States should encourage specialized agencies, intergovernmental organizations and United Nations bodies to include combating racism and intolerance in specific measures and in their policies.

159. The Ombudsman's Office of Costa Rica recommended that the International Federation of Ombudsmen should be encouraged to address specifically the subject of racism, racial discrimination, xenophobia and related intolerance in its agreements and in joint programmes of action within its sphere of influence.

160. It was recommended that all countries should ratify the International Convention on the Elimination of All Forms of Racial Discrimination and embrace its core principles. It was also recommended that States parties should implement article 14, in accordance with which a State party may declare that it recognizes the competence of the Committee to receive and consider complaints from individuals or groups of individuals.

161. One NGO referred to the significant issue of discrimination against the Dalit ("untouchables") and the practice of "castism" in some countries and its particular implications for women, and suggested that that issue needed to be addressed by the international community.

162. The Government of Portugal stated that it was not necessary to create new international instruments; rather, it was advisable to improve the existing instruments and mechanisms.

M. National institutions

163. Three of the six respondent national institutions (Ombudsmannen Mot Etnisk Diskriminering (Sweden), the Ombudsman's Office of Costa Rica and the Board for Ethnic Equality (Denmark)) stated that the International Convention on the Elimination of All Forms of Racial Discrimination was included in their mandates. The mandates of the other respondent national institutions could be found in the constitutional framework of the State or in national legislation, such as the Canadian Human Rights Act and the Swedish Law on the Ombudsman against Ethnic Discrimination.

164. Where the mandate of a national institution was based on a national enabling statute on discrimination, or on the International Convention on the Elimination of All Forms of Racial Discrimination, the activities of the national institutions varied greatly from data collection to educational activities, and from advising the Government to investigating individual complaints of discrimination.

165. The activities of the national institutions can generally be summarized as the following: (i) investigating complaints of discrimination in employment and in the provision of services

based on grounds enumerated in the legislation (Canada); (ii) investigating complaints alleging inequities in pay between men and women who are performing work of equal value (Canada); (iii) monitoring and, where necessary, taking action to ensure employer compliance with an employment equity act (Canada); monitoring government fulfilment of the International Convention on the Elimination of All Forms of Racial Discrimination and other human rights legislative obligations (Denmark); (iv) monitoring programmes, policies and legislation affecting designated groups (women, Aboriginal peoples, visible minorities and persons with disabilities) to ensure that their human rights are protected (Canada); (v) developing and conducting information programmes to promote understanding of the legislation and the role and activities of the national institution (Canada, Switzerland); (vi) producing education materials on ethnic discrimination (Sweden, Demark); (vii) investigating individual complaints and, as a final measure, taking labour law cases to court (Sweden); (viii) providing advice on the question of discrimination to various levels of government and public bodies (Denmark, Switzerland); (ix) collecting data and creating information databases (Denmark); and (x) preparing annual reports on the national institutions' activities (Canada, Denmark, Sweden, Switzerland).

166. According to the Constitution, the Mexican National Human Rights Commission receives and hears complaints alleging violations of human rights. The Commission is mandated to investigate acts and omissions of the legislative authorities and formulate non-mandatory recommendations to the authorities; to foster a reconciliation between parties; and to encourage the observance of human rights.

II. CONCLUSIONS

167. An analysis of the responses to the questionnaire leads to some general conclusions.

Progress in the fight against racism and obstacles to further progress

168. If progress is interpreted to mean the enactment by States of constitutions and legislation, then progress has been made at the national level in the fight against racism, racial discrimination and related intolerance. It appears that racial discrimination, xenophobia and related intolerance is a highly legislated field. With few exceptions, most respondents noted that several laws had been enacted to address the issue of racial discrimination in areas such as incitement to racial hatred, discriminatory labour and consumer practices, discrimination against women, equality before tribunals, equality in housing, and laws against racist or hate organizations.

169. While not universal or exclusive, these laws are often consistent with the International Convention on the Elimination of All Forms of Racial Discrimination, to which every respondent was a party.

170. Are these constitutional protections and ameliorative laws put into practice or tested? How do they work in practice? The questionnaires yielded little evidence of the effectiveness of these constitutional guarantees and statutory advancements. Further, there are very few benchmarks to test success and progress. Few Governments reported that they evaluate the effectiveness of their laws, and the policies and programmes derived therefrom. The difficulty of determining what constituted effectiveness was also pointed out.

171. The absence of governmental benchmarks is mirrored by the absence of an international standard to measure progress in the fight against racism, racial discrimination, xenophobia and related intolerance. Where it can, CERD makes suggestions and recommendations to individual Governments. However is this sufficient indication? This is, perhaps, an area for further discussion, consideration and study at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

172. There was limited feedback on the question concerning the obstacles to further progress and ways to overcome them. This may be linked to the issue of evaluating effectiveness, since it is difficult to determine and measure obstacles to further progress and ways to overcome them unless there is a means of evaluating the effectiveness of the measures which have been taken.

173. Nevertheless, the responses indicate that there has been some progress in the international community in the field of racism, racial discrimination, xenophobia and related intolerance since the adoption of the Universal Declaration of Human Rights in 1948. Constitutional guarantees and laws are in place, there is increased racial and ethnic representation in government and the public service, and many government policies and programmes and some national institutions have been established. Further, the responses show that there is a renewed recognition and commitment to the issue of racism, racial discrimination, xenophobia and related intolerance on the part of NGOs and Governments, particularly in preparation for the World Conference against Racism, Racial Discrimination and Related Intolerance.

The factors leading to racism

174. The questionnaire responses revealed that there is little consensus and limited information on the factors that lead to racism.

175. A few respondents pointed to economic factors, such as the concentration of wealth, globalization and historical colonial regimes in given countries, which hampered the economic development of certain groups and perpetuated racist practices. Some respondents expressed the view that regional stability affected the internal racial and ethnic situation. Other factors indicated were political and psychological in nature.

176. The question of the political, historical, economic, social, cultural and other factors leading to racism is complex. Several respondents did not answer the question. Thus, there is insufficient information to arrive at a conclusion. Perhaps, as noted by one respondent Government, further scientific research is required in this particular area.

Education

177. Each and every respondent - Governments, national institutions and NGOs - agreed on the fundamental importance of education in combating racism, racial discrimination, xenophobia and related intolerance.

178. Education required the attention of governmental and non-governmental organizations, regional organizations and the United Nations. It was agreed that education and information

campaigns raised awareness about racism and its consequences, and were necessary for children and young persons, as well as the general public. Finally, education must be addressed at all levels - national, regional and international - and through educational curricula and the media, including the Internet.

The Committee on the Elimination of Racial Discrimination

179. The Committee on the Elimination of Racial Discrimination was credited by government respondents as having an effective and important role in the fight against racism, racial discrimination, xenophobia and related intolerance. However, it was pointed out that the reporting process could be very demanding and presented several logistical and financial obstacles. A review of the reporting obligations and increased assistance to developing countries in meeting them would increase the effectiveness of the Committee. Some of the respondents were amenable to cooperating with CERD on the issues of preventive diplomacy, and early warning and urgent procedures.

The Office of the High Commissioner for Human Rights

180. The Office of the High Commissioner for Human Rights was often cited as the key United Nations organ in the fight against racism, racial discrimination, xenophobia and related intolerance. It was stated that by assuming a clear leadership role, the High Commissioner for Human Rights and her Office were instrumental in increasing the effectiveness of activities and programmes aimed at combating racism and racial discrimination, xenophobia and related intolerance. It was recommended that OHCHR should focus, inter alia, on: technical assistance in such areas as training for the judiciary and for law enforcement officials, reporting under the International Convention on the Elimination of All Forms of Racial Discrimination, advising on national institutions, education initiatives, increased support to treaty bodies, including CERD, and studying and ensuring other ways and means to achieve further progress in the fight against racism, racial discrimination, xenophobia and related intolerance.

Notes

[1] The Office received replies from 28 States, 2 specialized agencies, 2 international governmental organizations, 10 international non-governmental organizations and 5 national institutions.

[2] Chile is a signatory to the Convention. Mexico has signed and ratified the Convention.

[3] The Convention was adopted by the General Assembly on 18 December 1990. As at 1 February 2000, there were six signatories and nine accessions to the Convention.

Annex I

QUESTIONNAIRE CIRCULATED BY THE HIGH COMMISSIONER PURSUANT TO PARAGRAPH 49 (a) OF COMMISSION ON HUMAN RIGHTS RESOLUTION 1999/78, WITH A VIEW TO REVIEWING PROGRESS MADE IN THE FIGHT AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND REAPPRAISING THE OBSTACLES TO FURTHER PROGRESS

Question 1: What progress has been achieved in your country in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, what are the obstacles to further progress in this field and how might those obstacles be overcome?

Question 2: How does your Government evaluate the effectiveness of its policies and practices aimed at eliminating all forms of racial discrimination and at promoting understanding, tolerance and friendship among nations and racial or ethnic groups?

Question 3: What ways and means could be used to ensure more effective implementation of existing standards and instruments to combat racism, racial discrimination, xenophobia and related intolerance, including:

(a) In the light of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, what measures are being taken to prevent incitement to racial or ethnic hatred by any persons whatsoever (including by use of the Internet) and to declare punishable by law all dissemination of ideas based on racial superiority or hatred?

(b) Have steps been taken to declare illegal and to prohibit organizations, which promote and incite racial discrimination, and has participation in such organizations and activities been criminalized in domestic law?

(c) In the light of article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, what steps are being taken to ensure equality before the law, without distinction as to race, colour, descent, or national or ethnic origin, in the enjoyment of political, civil, economic, social and cultural rights, in particular:

(i) Equal treatment before tribunals;

(ii) Equal rights to security of person;

(iii) Equal rights to participate in the political process;

(iv) Equal rights to freedom of expression and assembly;

(v) Equal rights to work and equal pay for equal work;

(vi) Equal rights to housing;

(vii) Equal rights to education;

(viii) Equal rights of access to places or services?

(d) In the light of article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, what remedies exist for persons whose rights have been violated and what evidence is there to consider that these protections are effective (for example number of successful court cases, decrease in reports of racial crimes)?

(e) Indicate what independent national institutions are charged with the prevention of racism, racial discrimination, xenophobia and related intolerance and/or if investigation of such cases exists. Please specify their mandates.

(f) Indicate what training and supervision is undertaken to prevent racial discrimination by law enforcement officials, judicial officers and prison officials.

(g) Considering that women are often at an additional disadvantaged position, what steps have been taken to ensure their equal enjoyment of the rights listed above?

Question 4: If your country is not yet a party to the International Convention on the Elimination of All Forms of Racial Discrimination, please indicate:

(a) What are the considerations which may have prevented its ratification or its accession to the Convention?; and

(b) What steps have been taken or are being planned with a view to the ratification or the accession to the Convention, such as bringing it before the authority or authorities within whose competence the matter lies for the enactment of legislation?

Question 5: If your country is party to the International Convention on the Elimination of All Forms of Racial Discrimination, will it be prepared to promote further the constructive dialogue with the Committee on the Elimination of All Forms of Racial Discrimination by seeking, inter alia, its services in the field of preventive diplomacy, and to strengthen the CERD's early warning and urgent procedures?

Question 6: Which, in your Government's view, are the main obstacles preventing a number of States parties to provide regularly their reports or to provide extensive information on their implementation of the International Convention on the Elimination of All Forms of Racial Discrimination?

Question 7: If your country is not yet party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, please indicate:

(a) What are the considerations which may have prevented its ratification or its accession to the Convention?;

(b) What steps have been taken or are being planned with a view to the ratification or the accession to the Convention?

Question 8: Has your Government reviewed and, where necessary, revised its immigration policies which may be inconsistent with international human rights instruments with a view to eliminating all discriminatory policies and practices against migrants?

Question 9: Indicate any steps taken to address contemporary forms of racism, racial discrimination, any form of discrimination against, inter alia, Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance including indigenous peoples, migrants, refugees, displaced persons and Roma. Could you indicate if there is a particular problem for one or more of the groups cited above; if so, are there special measures that have been adopted to address this situation?

Question 10: What legislative, administrative or other measures have been taken to guarantee the rights of indigenous populations? Have any measures been taken to guarantee their cultural rights and to provide for a return of land and/or compensate for the loss of such right?

Question 11: Could you indicate ways to increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance in the light of article 7 of the Convention? In this connection how effective are the measures, in the fields of teaching, education, culture and information, which have been undertaken to combat racial prejudice?

Question 12: Could you formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance?

Question 13: Could you review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance?

Question 14: Could you formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance?

(If your Government has answered any of the above questions in a recent report under the International Convention on the Elimination of All Forms of Racial Discrimination, you may care to indicate which paragraphs constitute an answer, updating them as necessary.)

Question 15: (Only for national institutions) Does your mandate include the Convention on the Elimination of Racial Discrimination, or any national legislation designed to prevent racial discrimination? If so, could you briefly summarize your activities in discharging this responsibility?

Annex II

LIST OF RESPONDENTS TO THE QUESTIONNAIRE

States (28)

Austria
Belarus
Canada
Chile
Croatia
Cuba
Denmark
France
Guatemala
Iceland
Israel
Iraq
Latvia
Lebanon
Lithuania
Madagascar
New Zealand
Peru
Poland
Portugal
Russian Federation
Slovak Republic
South Africa
Spain
Switzerland
United Arab Emirates
United Kingdom of Great Britain and Northern Ireland
United States of America

Specialized agencies (2)

World Health Organization
United Nations Environment Programme

International governmental organizations (2)

International Seabed Authority
The United Nations University

Non-governmental organizations (10)

Afro-Asian People's Solidarity Organization
Danish Centre for Human Rights
Fraternité Notre Dame
Human Rights Watch
International Federation of Women Lawyers
Kowani Kongres Wanita Indonesia
Médécins sans frontières
Seventh Day Adventist Church
Susila Dharma International
World Organization of Former Pupils of Catholic Education

National institutions (5)

Canadian Human Rights Commission
Commission on Human Rights of Mexico
Commission fédérale contre le racisme (Switzerland)
Ombudsmannen Mot Etnisk Diskriminering (Sweden)
Ombudsman's Office of Costa Rica

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/4
24 March 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE
Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Ways of improving coordination between the Office of the United Nations High Commissioner for Human Rights and all specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenohobia and related intolerance

Note by the secretariat

GE.00-11899 (E)

Introduction

1. The Commission on Human Rights, in its resolution 1999/78 (para. 63 (a)), requested the High Commissioner for Human Rights to undertake a study to be submitted to the first session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on ways of improving coordination between her Office and all specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenophobia and related intolerance. Pursuant to this resolution, the High Commissioner sent letters to the heads of relevant organizations in October 1999. As of 25 January 2000, replies had been received from the International Labour Office (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. It was not considered feasible to undertake a study at this time given the small number of replies received. The information contained in the present note is therefore based primarily on the replies received and on the memoranda of understanding (MOU) signed between the Office of the High Commissioner for Human Rights (OHCHR) and other agencies which define bilateral action to be taken to combat racism.

2. The MOU between OHCHR and UNESCO and between OHCHR and UNDP spell out modalities of cooperation and joint activities to combat racism. The former states that both parties agree to cooperate in the planning and implementation of the convening of the World Conference, and the latter that the two organizations would cooperate in the country projects, carried out jointly or individually, to promote the objectives of the Decade for Action to Combat Racism and Racial Discrimination and implement their respective plans of action. The MOU between UNDP and OHCHR is closely monitored and implemented alongside UNDP's policy on "Integrating human rights with sustainable human development".

3. The elimination of racial discrimination has been a core human rights mandate since the establishment of the United Nations. The United Nations has pursued the elimination of racial discrimination through a variety of programmes, activities, conferences and legal instruments. However, strategies to combat racism and racial discrimination offer a complex picture and present an overall problem of coordination. Significant measures are still needed to develop and strengthen the mechanisms already in place.

4. The Vienna Declaration and Programme of Action, in Part II A, paragraph 1, states: "The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication."

I. POSSIBLE AREAS OF COORDINATION AND COOPERATION

A. At the international level

1. Information exchange

5. The information possessed by various organizations on specific situations or cases, or on actions taken, could be shared more effectively between them. This is crucial in analysing situations of racial discrimination in specific countries. The Committee on the Elimination of Racial Discrimination (CERD) monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination which has been ratified by some 155 States. The Office of the United Nations High Commissioner for Refugees (UNHCR) and ILO are the only bodies normally represented at the Committee's sessions. For its consideration of States parties reports, CERD generally receives information from UNHCR, ILO and a few other organizations such as UNDP and ECRI. In particular, ILO provides CERD at each of its sessions with information on how related ILO Conventions are applied in the countries under examination by CERD. In order to examine the situation of a country as thoroughly, accurately and comprehensively as possible, it is vital that the Committee be provided with relevant and quality information. It is equally important that the work of the Committee is known to those specialized agencies or organizations which undertake relevant activities in the countries being examined by CERD, so that they can take into account the Committee's recommendations in their work.

6. IOM recommended that agencies should be encouraged to provide information to the various bodies and entities within the United Nations system charged with combating racial discrimination. CERD's review of States parties' implementation of the Convention as well as the relevant activities of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on religious intolerance and the Special Rapporteur on the human rights of migrants would greatly benefit from information from a greater number of agencies.

7. ILO reported that the ILO Committee of Experts on the Application of Conventions and Recommendations takes account of CERD documents and conclusions in its examination of the application of ILO Conventions by member States. ILO highlighted the need to explore how the United Nations could provide it on a regular basis with information which could have an impact on the application of ILO Conventions, in particular the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

8. In relation to the forthcoming World Conference, ILO considered that it would be useful to examine at a very early stage how to ensure that the work undertaken by the specialized agencies of the United Nations system and by other bodies, including United Nations programmes, is fully taken into account in the deliberations of the World Conference and in its preparation.

2. Monitoring action to combat racism

9. The creation of an effective mechanism to follow up, monitor and evaluate programmes to combat racism is recognized as important in order to improve international coordination and effective use of resources. In its Programme of Action, the second World Conference to Combat Racism and Racial Discrimination held in 1983 recommended the creation of a regular system of review and appraisal to enable Member States, as well as all organizations of the United Nations system - including relevant regional bodies and non-governmental organizations - to assess the measures taken towards achieving the aims and objectives of the Second Decade.

10. The creation of a follow-up mechanism would also enable a systematic exchange of information on related reports and studies or technical cooperation projects undertaken by United Nations bodies, specialized agencies, and international, regional and subregional organizations. IOM was of the view that OHCHR could coordinate systematic input provided by agencies. With such a system in place, CERD or any other United Nations human rights mechanism could obtain information as required.

3. Consultations

11. In preparation for the World Conference, ILO suggested that consultations be held between the specialized agencies and other concerned United Nations bodies. ECRI added that one possibility for improving coordination at the European level could be to provide for regular consultations between ECRI, on the one hand, and CERD and the Special Rapporteur on the other. UNESCO considered it important that OHCHR participates in meetings sponsored by UNESCO, such as the Meeting of Directors of Human Rights Institutes, which could mobilize various partners in the struggle against discrimination and intolerance.

4. Promoting universal ratification of the Convention

12. Some replies expressed the view that OHCHR and other agencies and organizations should cooperate closely in order to promote universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

13. Within the framework of the MOU between UNDP and OHCHR, UNDP has been making a substantive contribution to the work of the treaty bodies, including the promotion of the ratification of the Convention. UNDP's approach of working through its country offices to respond to Governments seeking assistance or advice on the ratification of human rights instruments or on reporting obligations has been positive in this regard.

5. Information and education

14. In its resolution 1999/78 the Commission on Human Rights requested the High Commissioner to draw up a programme of human rights education and to create a Web site which could be used to share human rights experiences in the struggle against racism. It also urged all United Nations bodies and international, regional and subregional governmental

organizations to support the High Commissioner and the Department of Public Information of the Secretariat through a public information strategy centred around the objectives of the World Conference.

15. OHCHR created a section for the World Conference on its Web site, where information about the World Conference and related documents is available. The Web site could also include information on the activities of the specialized agencies, United Nations bodies and international and regional organizations in the struggle against racism and documents dealing with the issue.

16. In its reply, UNESCO mentioned the possibility of joint action with OHCHR, such as a publication dedicated to the struggle against discrimination and intolerance that would include two prefaces signed respectively by the Director-General of UNESCO and by the High Commissioner for Human Rights.

6. Advisory services, technical cooperation and other support

17. IOM recommended that United Nations staff members at Headquarters and in the field receive training in combating racism that would enable them to deal with violations of the Convention and to incorporate an "anti-racism" approach into their work.

18. The MOU between UNDP and OHCHR has created a framework for closer and substantive cooperation on training. It states that UNDP and OHCHR shall cooperate in providing training programmes in human rights and development for international civil servants, especially those working in the areas of development, human rights, democracy and peace-building. Furthermore, the MOU stipulates that OHCHR shall organize briefings on current aspects of the promotion and protection of human rights for UNDP senior managers and shall contribute to other staff training, as required. In consultation with OHCHR, UNDP shall include a human rights component in its staff training programme and OHCHR shall make its human rights expertise and training materials available for that purpose.

19. UNDP mentioned that there are ongoing projects, including four joint UNDP-OHCHR regional training workshops, for UNDP Resident Representatives/United Nations Resident Coordinators aimed at increasing their knowledge of human rights. Tne workshops cover the key principles of human rights, including the principle of non-discrimination and an introduction to the Convention on the Elimination of All Forms of Racial Discrimination. In addition, a training module on human rights for UNDP staff is being developed containing elements on the elimination of racial discrimination. Further training is envisaged in cooperation with OHCHR and the United Nations Staff College.

B. At the national level

20. It is recognized that the most effective way to combat racism is at the country level. While there has been much progress in cooperation at the international level, there is an urgent need for more systematic cooperation at the country level.

21. Under the MOU, UNDP and OHCHR can undertake the following actions at the national level:

- The implementation of CERD recommendations at the country level; UNDP can incorporate racial tolerance and understanding into its country programmes;

- Upon receipt of relevant material from OHCHR, UNDP can assist in the dissemination of information on the reporting process under CERD, including the possible contributions by civil society;

- Upon being provided background information, UNDP can make available to all interested persons and organizations information concerning the status of States parties' reports submitted to CERD, the reports themselves, and the concluding observations or comments adopted by the Committee;

- Upon request, UNDP can provide information on the available communications procedures and channel to OHCHR communications from individuals and groups alleging that their rights under the Convention have been violated. In the framework of the MOU a brochure on human rights complaints has been published for Resident Coordinators and Resident Representatives. Additionally, a "Human rights guideline for Resident Coordinators" has been developed in the framework of the United Nations Development Group, which includes guidance on the formalities of channelling human rights complaints to the appropriate international mechanisms;

- The provision of logistical support for fact-finding missions. This assistance may include participation in planning, supporting, and ensuring follow-up of missions;

- OHCHR can ensure that UNDP Country Offices are provided with updated information on CERD, in particular concerning the reports scheduled to be examined, the concluding observations thereon, as well as on final decisions adopted under the individual communications procedure.

22. UNESCO stated that it intended to mobilize its network of Chairs (44 in 35 countries) to participate actively in the activities linked with the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance. UNESCO plans to convene a meeting of its representatives in order to further increase their contribution to the organization's activities, in particular those related to the International Year.

II. GENERAL CONCLUSIONS AND RECOMMENDATIONS

23. The World Conference represents both a challenge and an opportunity for coordinating efforts throughout the United Nations system. By striving for effective and efficient action through enhanced coordination, the United Nations system will be better able to offer assistance to Governments and civil society in their efforts to combat racism.

24. A systematic flow of information should be ensured between OHCHR and United Nations bodies, specialized agencies and other international, regional and subregional organizations on the situation of racism and racial discrimination.

25. United Nations bodies, specialized agencies and international, regional and subregional organizations are encouraged to:

(a) Transmit reports and information material dealing with the elimination of racial discrimination to the various bodies within the United Nations system charged with combating racism;

(b) Cooperate closely with a view to promoting universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination;

(c) Include, within the context of their respective public relations and information activities, information about the World Conference and the preparatory process so that the widest possible dissemination of information about these events can be achieved;

(d) Provide relevant information to be included on the Web site.

26. A permanent follow-up mechanism could be established in order to monitor and evaluate programmes to combat racism and to coordinate the exchange of information. This mechanism could be responsible for gathering information among United Nations bodies and specialized agencies about the preparatory process for the World Conference and for ensuring the implementation of the final outcome of the World Conference. Such a mechanism could be incorporated within the Office of the High Commissioner for Human Rights.

27. Consultations between all concerned organizations on issues relating directly or indirectly to the elimination of racial discrimination should be held on a regular basis. The consultations would aim at identifying specific issues to be addressed, the steps that need to be taken and the form such action should take (i.e. whether at the international, regional or national level). Within the preparatory process for the World Conference an inter-agency consultation mechanism should be established.

28. Staff of United Nations bodies and organizations, at their headquarters and at their duty stations, should receive training enabling them to deal with violations of the Convention on the Elimination of All Forms of Racial Discrimination and to incorporate an "anti-racism" approach into their work. Special attention should be placed on integrating action to eliminate racism and racial discrimination in the activities of the United Nations at the country level.

A/CONF.189/PC.1/5

Readex
Fiche

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/5
5 April 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000

Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Consultation on the use of the Internet for the purpose of incitement to racial hatred, racial propaganda and xenophobia

CONTENTS

		Paragraphs	Page
Introduction		1 - 2	2
I.	SUMMARY OF REPLIES ON THE USE OF THE INTERNET TO INCITE RACISM	3 - 22	2
	A. Governments	3 - 17	2
	B. Specialized agencies	18	4
	C. Non-governmental organizations	19 - 22	4
II.	CONCLUSIONS	23 - 31	5
Annex: List of respondents			7

GE.00-12400 (E)

Introduction

1. In paragraph 35 of resolution 1999/78, the Commission on Human Rights requested the United Nations High Commissioner for Human Rights "to undertake research and consultations on the use of the Internet for the purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism". Pursuant to that request, the Office of the High Commissioner for Human Rights (OHCHR) sent communications on 20 May 1999 to Member States, United Nations bodies, specialized agencies, international governmental organizations and non-governmental organizations (NGOs) requesting their views and information. As at the writing of this report, the Office had received replies from 10 States, 1 United Nations body, 2 specialized agencies and 2 NGOs. The list of respondents is given in the annex.

2. This report contains a summary of the replies received; the full texts are available for consultation at OHCHR. The remaining research and activities requested by the Commission will be undertaken by the Office as part of the preparatory process for the World Conference.

I. SUMMARY OF REPLIES ON THE USE OF THE INTERNET TO INCITE RACISM

A. Governments

3. The Government of Cape Verde reported that despite the interest and efforts of the Government, it did not yet have a specific programme on the issue of racism on the Internet. It is currently collecting preliminary information and would welcome cooperation and contributions from OHCHR on this question.

4. Costa Rica recently began to consider the issue of the use of the Internet for the purposes of incitement to racial hatred, racial propaganda and xenophobia. The Government of Costa Rica reported that there are currently no domestic limitations or regulations concerning Internet access. Use of the Internet is increasing steadily, although many schools still do not have Internet access. The Ministry of Public Education has some concerns over unrestricted access to the Internet in schools and colleges. The Government suggests the use of content filters to limit the access of students to harmful Web sites and information. The Ministry is conscious of the problems and, through the Department of Computer Education and the Institute of Electricity of Costa Rica, is considering ways to solve it. As a first step, regulation of the content of Web sites may be necessary.

5. The Government of Denmark proposed an Internet education programme on experiences in the struggle against racism, xenophobia and anti-Semitism which could include the following: training programmes aimed at education to prevent discrimination; information on the possibility of documentation and registration; positive experiences in ethnic equality policies and practices; a "chat room" to facilitate debate and exchanges on experiences on discrimination and equality; training of law enforcement officials; and measures in the field of education.

6. The Government of Denmark also identified national and regional programmes such as the European Schoolnet, Denmark's First Web Portal for Teachers and Pupils, which provides an electronic meeting place for the educational world, as well as the Associated School Projects, which are considered effective means of spreading messages, including messages on education in human rights and the struggle against racism.

7. The Government of Finland reported that awareness-raising on the issues and dangers related to racism and racial discrimination should form a central component of government action against racism. It noted the importance of disseminating positive information about immigrants and minorities via the Internet in order to lessen the susceptibility of people to racist and xenophobic information.

8. The use of the Internet for criminal activity, including the dissemination of racist and xenophobic information, should be prevented. As Internet use increased in Finland, greater attention was being paid to the difficulties in regulating its content.

9. Finland adhered to the principles adopted by the European Union in this sphere, and self-regulation of services is deemed to be the most effective way to regulate the content of Internet services. The Government has also encouraged the Internet industry to provide improved filtering tools and rating systems which would allow users to select material and avoid harmful content.

10. The Government of Finland also noted that effective national and international legislation plays a significant role in combating racism and xenophobia. Although the media and Internet users were free to express their views, incitement to hatred against a national, ethnic or religious group and the offence of agitation, whether via the Internet or not, is a criminal offence in Finland.

11. The Government also stated that the most effective means of preventing the spread of racist propaganda via the Internet was monitoring and action by non-governmental organizations or public authorities. International cooperation is also necessary. The Parliament and Council of the European Union have already established useful initiatives in this area such as the Internet Action Plan; however, the use of the Internet for spreading racist material should be further examined. In order to make the Internet safer, a Europe-wide Hotline is urgently needed and self-regulation and cooperation within the industry must be supported.

12. The Government of Georgia stated that a programme of human rights education and exchanges over the Internet on the struggle against racism, xenophobia and anti-Semitism should pay particular attention to: (i) the history of the struggle against racism, xenophobia and anti-Semitism; (ii) a review of the political, historical, economic, social and other factors that provoke racism, racial discrimination, xenophobia and related intolerance; (iii) United Nations texts such as the International Convention on the Elimination of All Forms of Racial Discrimination, the UNESCO Declaration on Race and Racial Prejudice, Commission on Human Rights resolution 1999/78; (iv) a comparative review of the situation in States which have ratified the International Convention on the Elimination of All Forms of Racial Discrimination and in States which have not; (v) recommendations to further national, regional and international measures to combat racism, racial discrimination, xenophobia and related intolerance.

13. The Government of Poland reported that its Penal Code includes appropriate regulations relating to offences such as incitement to racial hatred and racist propaganda. It also expressed its willingness to cooperate to draw up a programme of human rights education on the Internet.

14. The Government of Sweden stated that it has introduced an innovative measure to combat racism and anti-Semitism and related propaganda. The Living History Campaign, which was launched in 1997, disseminates knowledge and information about the Holocaust and how to use the conclusions drawn from the Holocaust in discussions about racism, anti-Semitism, democracy and human rights. The campaign uses the Internet to spread information. In July 1998, as part of the Living History Project, the Government launched a Holocaust Web site containing, inter alia, historical facts, reports, and recent and relevant research, in order to reach young people, teachers and interested persons. The Government noted that it is important to provide an informative counterweight to those who deny that the Holocaust occurred.

15. The Government has also established a task force for international cooperation on Holocaust Education, Remembrance and Research with several other Governments, and held a related forum in January 2000. The objective of the Forum was to enable people to come to a common understanding of the need to combat racism and xenophobia today through the promotion of Holocaust education and research. The Government suggested that its programmes could serve as examples when drawing up programmes of human rights education and promoting international cooperation in the struggle against racism, xenophobia and anti-Semitism.

16. The Government of the United Arab Emirates stated that it is convinced of the need for freedom of information via satellite or through the Internet, without restriction. In this regard, Web sites cannot be created without the prior approval of the organization responsible for communications in the United Arab Emirates. In addition, the organization imposes restrictions through technical measures on access to sites which do not respect the customs and traditions of the State. These customs are based on the principles of Islam which exhort tolerance and equality and reject racism and terrorism and incitement to such action.

17. The Government noted that OHCHR had asked Governments to consider the issue of racism and the Internet, but that some human rights organizations had a tendency to criticize or condemn the smallest restriction that might be imposed on the Internet by Governments.

B. Specialized agencies

18. The International Labour Organization (ILO) reported that although it had no information on the matter of the use of the Internet for the purposes of incitement to racial hatred, it makes active use of the Internet for the purpose of disseminating information and activities in respect of human rights, including non-discrimination. In addition to a main Web site, a number of the regional and national offices of the ILO also maintain Web sites.

C. Non-governmental organizations

19. The Board of Deputies of British Jews provided a detailed report entitled "International Cooperation to Combat the Use of the Internet for the Purposes of Incitement to Racial Hatred". It stated that there are an estimated 147 million Internet users in 150 countries and that use of the

Internet is growing at a rapid rate. At least in theory, the entire world will have access by the end of the first decade of this century. Racist material represented only a small percentage of the volume of information on the Internet and expressed the view that "racists in cyberspace were comparatively far and few between". Nevertheless, the Internet acts as a "force-multiplier, enhancing power and enabling racists" on the Internet to have influence in excess of their true number. The Internet allows racists to cross national boundaries and bypass laws banning hate material by moving sites abroad.

20. The NGO reviewed national and regional initiatives to combat hatred on the Internet in North America and Europe. With regard to international cooperation on the issue, it noted that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination are applicable where hate-oriented groups use the Internet to disseminate their propaganda.

21. The NGO noted that Internet service providers have an obligation to prevent access to racist material, and that a complaint-driven regime where providers respond to referrals from the public is likely to be successful. For the longer term, it recommended the establishment of a body to develop a comprehensive policy and an accompanying model code of practice on Internet access for institutions in the public, private and voluntary sectors.

22. The NGO also noted that it was not impossible for States contemplating prosecution of offensive Internet postings to successfully balance free speech and the need to establish legal jurisdiction. States should, however, continue in their efforts to establish national legal measures in compliance with their obligations under international law.

II. CONCLUSIONS

23. Some general conclusions can be derived from the replies received from the Internet consultation undertaken by the Office of the High Commissioner for Human Rights.

24. Several respondents recognized the dangers posed and harm caused by the use of the Internet for the purposes of incitement to racial hatred, racial propaganda and xenophobia. The Internet can, however, also serve as a tool in the fight against racism, racial discrimination, xenophobia and related intolerance. The use of the Internet to distribute positive information and materials, research and facts about immigrants and minorities can support action against racism and anti-Semitism, raise awareness, promote understanding and increase tolerance. It can be effective in increasing the susceptibility of people to negative and harmful material aimed at inciting racism and xenophobia.

25. Almost every respondent recognized the importance of an education component in any initiative or programme to combat racism, xenophobia and intolerance on the Internet. Internet education is considered a fundamental bulwark against use of the Internet for these purposes. Those respondents who have not established Internet education programmes or initiatives have indicated a great interest in doing so.

26. Some Governments are in the initial stages of considering the issue of racism on the Internet; they nevertheless recognize the importance of the issue of harmful racist and xenophobic material on the Internet.

27. Countries with less-developed Internet capacities recognize the potential benefits of the Internet as well as its dangers. In the matter of combating racism on the Internet, some have requested the assistance of OHCHR and the international community.

28. As use of the Internet increases at the national level, greater attention is being paid to harmful, racist content, and in particular the use of the Internet for incitement to racial hatred, racist propaganda and xenophobia.

29. Some Governments report that the existing provisions in their domestic Penal Codes regarding incitement to racial hatred and agitation can be used to prosecute offences that are carried out via the Internet.

30. International cooperation is welcome in the matter of combating the use of the Internet for the purposes of incitement to racial hatred, racist propaganda and xenophobia. International cooperation and coordination could help in establishing international standards and practices and in providing technical assistance in this field to countries with less-developed Internet capacities.

31. The issue of regulation of harmful and hateful material on the Internet is a complex matter which requires further study and consideration by the international community.

ANNEX

List of respondents

States: Cape Verde, Costa Rica, Croatia, Denmark, Finland, Georgia, Poland, South Africa, Sweden, United Arab Emirates.

United Nations body: Economic Commission for Africa.

Specialized agencies: International Labour Organization, International Maritime Organization.

Non-governmental organizations: Azerbaijan Women and Development Centre, Board of Deputies of British Jews.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/6
12 April 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE
Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Study on preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts

Note by the secretariat

1. In its resolution 1999/78 (para. 63 (b)) of 28 April 1999, the Commission on Human Rights requested the High Commissioner for Human Rights to help the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to carry out a study on preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts and to formulate recommendations intended for the first session of the Preparatory Committee.

2. Owing to circumstances beyond his control, the Special Rapporteur has been unable to present the requested study to the Preparatory Committee.

3. The attention of the Committee is drawn to the report of the High Commissioner (E/CN.4/2000/12, chap. II) which contains elements relevant to the prevention of racism and racial discrimination.

GE.00-12731 (E)